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TABLE

OF THE

STATUTES

Public and Private,

PASSED

Anno Decimo Nono & Vicesimo

VICTORIÆ *Reginæ*:

BEING THE

FOURTH SESSION of the SIXTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

2660/

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
1856.

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A

TABLE

OF

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lxxxv. An Act for carrying into effect certain Arrangements between the Trustees of the *Renfrewshire* Turnpike Roads and the Lord Provost, Magistrates, and Council, and Police and Statute Labour Committee, of *Glasgow*; and for continuing, in other respects the Acts relating to the said Roads. 1293

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xcvi. An Act to repeal the Act for more effectually making, straightening, repairing, and improving the Roads from near the Town of *Lewes* to *Polegate* in the Parish of *Hailsham*, and from thence to *Eastbourne*, and to *Polegate* to *Hailsham Common*, in the County of *Sussex*, and to make other Provisions in lieu thereof. 1481

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cxvii. An Act to grant further Powers to the *Crystal Palace* Company for the raising of Capital, for the internal Management of their Undertaking, and with respect to *Dulwich Wood*. 1777

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cxxiv. An Act to enable the *Londonderry and Enniskillen* Railway Company to create Preference Shares with Priority of Dividend over all the existing Shares of the Company, and for other Purposes. 1925

cxxv. An Act for making a Railway from the authorized Line of the *West End of London and Crystal Palace* Railway (Extension to *Bromley* and *Farnborough*) at *Shortlands* in the Parish of *Beckenham* in the County of *Kent* to *Saint Mary Cray* in the same County. 1933

cxxvi. An Act to extend the Time limited for completing the *Oxford, Worcester, and Wolverhampton* Railway, and for adapting the same to the Broad Gauge, and for other Purposes. 1949

cxxvii. An

cxxvii. An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending and keeping in repair the Roads from the Town of* Uttoxeter *to the Town of* Newcastle-under-Lyme *in the County of* Stafford, *so far as relates to the* Uttoxeter *District of the said Roads, and for making certain new Pieces of Road to communicate therewith, all in the said County of* Stafford, and to confer larger and additional Powers and Provisions in lieu of those therein contained; and for other Purposes. 1953

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cxxxvii. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to raise further Money for the Completion of the Broad Gauge, and for other Purposes; and to convert their Mortgage Debt into Stock. 2097

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PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to amend an Act made and passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to divide the Parish and Rectory of* Doddington *otherwise* Dornington *into Three separate and distinct Parishes and Rectories, and to endow the same out of the Revenues of that Rectory, and to make Provisions for the further Division of such Rectories and Parishes, and for other Purposes connected therewith.* 3

2. An Act for continuing in force, during the Minority of Mrs. *Clara Clarke Thornhill*, the Wife of *William Capel Clarke Thornhill*, of *Swakeleys* in the County of *Middlesex*, Esquire, the Powers conferred by "*Thornhill*'s Estate Act, 1852," and "*Thornhill*'s Estate Act, 1854," and for other Purposes. 149

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9. An Act for enabling Leases for Mining, Agricultural, and Building Purposes to be made of the Estates of *John Walmesley* Esquire, deceased, and Sales of Portions thereof, and for other Purposes; the Short Title of which is "*Walmesley*'s Estate Act, 1856." 349

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16. An Act to dissolve the Marriage of *John Talbot* Esquire with *Marianne* his now Wife, and to enable him to marry again; and for other Purposes.

17. An Act to dissolve the Marriage of *Madgwick Spicer Davidson* Gentleman with *Katharine Anne* his now Wife, and to enable the said *Madgwick Spicer Davidson* to marry again; and for other Purposes therein mentioned.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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TO THE

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19° & 20° VICTORIÆ,

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I. - - - -	Ireland.
E. & I. - - -	England and Ireland.
G.B. - - - -	Great Britain.
G.B. & I. - - -	Great Britain and Ireland.
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——— to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage - -	62.	I.
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——— for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants - - -	110.	I.
DURHAM, to provide for the Retirement of the present Bishop of -	115.	E.
DUTY on Racehorses, to repeal and re-impose, under new Regulations - - - - - - - -	82.	G.B.
DWELLINGS for the Labouring Classes, to encourage the providing of improved - - - - - - - -	65.	I.

E.

ECCLESIASTICAL COMMISSIONERS, for transferring the Powers of the Church Building Commissioners to - - - -	55.	E.
EDUCATION, for the Appointment of a Vice-President of the Committee of Council on - - - - - -	116.	E.
ELECTION of Members of Parliament; to continue the Corrupt Practices Prevention Act, 1854 - - -	84.	G.B.& I.
——— to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs - - - - -	58.	S.
EPISCOPAL ESTATES, to continue the Act 14 & 15 Vict. c. 104. to facilitate the Management and Improvement of - -	74.	E.
ESTATES; to facilitate Leases and Sales of Settled Estates -	120.	E. & I.
——— to amend the Law and Practice of the Court of Chancery in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court - - - - - -	77.	I.
——— for the uniform Administration of Intestates Estates -	94.	E.
ETON, to make further Provision for the good Government and Extension of the College of King Henry VI. at - -	88.	E.
EVIDENCE IN FOREIGN SUITS; to provide for taking Evidence, in Her Majesty's Dominions, in relation to Civil and Commercial Matters pending before Foreign Tribunals - - -	113.	U.K.

	Cap.	Relating to
EXCHEQUER BILLS, for funding, and raising Money by way of Annuities - - - - - -	5.	U.K.
——— for raising 21,182,700*l.* by, for the Service of the Year 1856	19.	U.K.
——— for raising 4,000,000*l.* by Exchequer Bills and Exchequer Bonds, for the Service of the Year 1856 - -	44.	U.K.
EXCHEQUER (COURT OF); to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer -	56.	S.
——— to abolish the Office of Cursitor Baron of - - -	86.	E.
EXCISE DUTY, to grant Allowances of, on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters - - - - - -	34.	G.B.&I.

F.

FACTORIES, for the further Amendment of the Laws relating to Labour in - - - - - - -	38.	G.B.&I.
FIRE INSURANCES, to amend the Laws relating to the Duty on -	22.	U.K.
FISHERIES, to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on - -	17.	G.B.&I.
FOREIGN TRIBUNALS, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before - - - - - -	113.	U.K.
FORMATION, &c. OF PARISHES; to extend the Provisions of 6 & 7 Vict. c. 37. for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes -	104.	E.
FREEDOM of the City of London, to exempt from Stamp Duty Admissions to, by Redemption - - - - -	81.	E.

G.

GENERAL BOARD OF HEALTH, to continue - - - -	85.	E.
GRAND JURIES, to facilitate the Despatch of Business before -	54.	E.
——— to amend the Acts relating to - - - -	63.	I.
GREAT BRITAIN, to continue an Act for the Survey of - -	61.	G.B.
GREENWICH HOSPITAL, for further regulating the Payment of the Out-Pensioners of - - - - - -	15.	U.K.

H.

HAY AND STRAW TRADE, to prevent false Packing and other Frauds in - - - - - - -	114.	E.
HEALTH OF TOWNS, to make better Provision for - - -	103.	S.
HOSPITALS; for the better Regulation of the House of Industry Hospitals, and other Hospitals in Dublin, supported wholly or in part by Parliamentary Grants - - - -	110.	I.
HOUSE OF COMMONS, to regulate certain Offices of - - -	1.	U.K.

I.

IMPRISONMENTS under the Act 5 G. 4. c. 96. exempted from the Operation of the Act abolishing in Scotland Imprisonment for Debts of small Amount - - - - -	46.	G.B.
INCLOSURE OF LANDS; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - - -	11. 106.	E. E.

	Cap.	Relating o
INCOME TAX; to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - -	33.	G.B.&I.
——— to grant Relief in assessing the Income Tax on Lands in respect of certain Public Burdens charged thereon, and to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax - - -	80.	S.
INCUMBERED ESTATES; to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates, and to amend the said Acts	67.	I.
——— to amend the Law relating to Appeals from the Incumbered Estates Court - - - - - -	92.	I.
INDEMNITY; annual Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time for those Purposes respectively -	73.	U.K.
INDUSTRIAL SCHOOLS; to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of Vagrant Children - - -	28.	S.
——— to amend the Mode of committing Criminal and Vagrant Children to - - - - - - -	109.	G.B.
INDUSTRIAL SOCIETIES, to amend 17 & 18 Vict. c. 25. relating to	40.	E.
INFECTIOUS DISORDERS among Sheep, Cattle, and other Animals, to continue certain Acts to prevent the spreading of - -	101.	U.K.
INSURANCES; to amend the Laws relating to the Duties on Fire Insurances - - - - - - -	22.	U.K.
——— to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - - -	33.	G.B.&I.
INTESTATES ESTATES, for the uniform Administration of - -	94.	E.
ISLE OF MAN, to continue an Act for the Survey of -	61.	G.B.

J.

JOINT STOCK BANKS; to extend the Period for which Her Majesty may grant Letters of Incorporation to Joint Stock Banks in Scotland existing before the Act of 1846 -	3.	S.
——— to amend the Laws with respect to the Election of Directors of - - - - - - -	100.	E.
JOINT STOCK COMPANIES and other Associations, for the Incorporation and Regulation of - - - - - -	47.	G.B.&I.
JUDICIAL PROCEDURE; to amend and re-enact certain Provisions of an Act of 54 Geo. 3, relating to Judicial Procedure and Securities for Debts - - - - - - -	91.	S.
JURIES. *See* GRAND JURIES.		
JUSTICE (CRIMINAL), to amend 18 & 19 Vict. c. 126. for diminishing Expense and Delay in the Administration of, in certain Cases - - - - - - - - -	118.	E.
JUSTICES OF THE PEACE, for amending the Procedure before -	48	S.
JUVENILE CONVICTS PRISON; for enabling the Commissioners of Public Works to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts - - -	24.	I.

K.

KIRK LEATHAM (*York*), to render valid certain Marriages in the Church at Coatham, in the Parish of - - -	70.	E.

L.

	Cap.	Relating to
LABOUR in Factories, for the further Amendment of the Laws relating to - - - - - - - -	38.	G.B.&I.
LABOURING CLASSES, to encourage the providing of improved Dwellings for - - - - - - -	65.	I.
LAND, to amend the Acts relating to the Advance of Public Money to promote the Improvement of - - - - -	9.	U.K.
LANDS, to authorize the Inclosure of certain, in pursuance of a Report of the Commissioners for England and Wales -	11.	E.
	106.	E.
——— to make Provision for the Management of certain, belonging to Her Majesty, within the former Limits of the late Forest of Delamere (*Chester*) - - -	13.	E.
——— to grant Relief in assessing the Income Tax on, in respect of certain Public Burdens charged thereon - -	80.	S.
LAND TAX, to amend the Laws relating to, and to the Redemption and Purchase of the Land Tax - - - - -	80.	S.
LEASES of Settled Estates, to facilitate - - - - -	120.	E. & I.
LIVES (INSURANCE ON), to continue 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of - - - - - -	33.	G.B & I.
LIVINGS; to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, &c. - - - - - - -	50.	E.
LOAN, to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia - - - -	39.	U.K.
——— to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works	18.	I.
LODGING HOUSES, to make better Provision for the Regulation of	103.	S.
LONDON; to amend the Acts relating to the Metropolitan Police -	2.	E.
——— to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption - -	81.	E.
——— to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853 - - - - - - - -	107.	E.
——— to amend 18 & 19 Vict. c. 120. for the better Local Management of the Metropolis - - -	112.	E.
——— to provide for the Retirement of the present Bishop of -	115.	E.
LUNATIC ASYLUMS Act, 1853, to amend - - - - -	87.	E.
——— to amend the Laws relating to, so far as relates to Superannuations - - - - - - - -	99.	I.

M.

MAGDALEN HOSPITAL (*Bath*), confirming a Scheme of the Charity Commissioners for - - - - - - -	45.	E.
MAGISTRATES, for amending the Procedure before - - -	48	S.
MALT, to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; and to amend the Law relating to Malt Roasters	34.	G.B & I.
MAN (ISLE OF), to continue an Act for the Survey of - - -	61.	G.B.
MANNING OF THE NAVY, to provide for the more ready - -	83.	G.B.& I.
MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - - -	8.	U.K.
MARRIAGES; to render valid certain Marriages in the Church at Coatham, in the Parish of Kirk Leatham (*York*) - -	70.	E.
——— for amending the Law of - - - - - -	96.	S.
——— to amend the Provisions of the Marriage and Registration Acts - - - - - - - - -	119.	E.

	Cap.	Relating to
MEMBERS OF PARLIAMENT, to continue the Corrupt Practices Prevention Act, 1854, at the Election of - - -	84.	G.B.&I.
METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT; to amend 18 & 19 Vict. c. 120. for the better Local Management of the Metropolis - - - - - - - -	112.	E.
METROPOLITAN POLICE, to amend the Acts relating to - -	2.	E.
MILITIA BALLOTS SUSPENSION; to suspend the making of Lists and Ballots for the Militia of the United Kingdom - -	52.	U.K.
MILITIA PAY; to defray the Charge of the Pay, Clothing, &c. of the disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers	90.	U.K.
MOSS-SIDE (*Lancaster*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of - - - - - - - -	26.	E.
MOULTON (*Lincoln*), for confirming a Scheme of the Charity Commissioners for the Endowed School at - - -	53.	E.
MUTINY; for punishing Mutiny and Desertion in the Army -	10.	U.K.
——— (MARINE); for the Regulation of Her Majesty's Royal Marine Forces while on shore - - -	8.	U.K.

N.

NATIONAL GALLERY, to extend the Power of the Trustees and Director of, and to authorize the Sale of Works of Art belonging to the Public - - - - - -	29.	U.K.
NAVIGATIONS made in connexion with Drainage, to provide for the Maintenance of - - - - - - -	62.	I.
NAVY, to provide for the more ready Manning of - - -	83.	G.B.&I.
NUISANCES, to make better Provision for the Removal of - -	103.	S.
——— to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853 - - - - - - -	107.	E.

O.

OATHS (UNLAWFUL), to continue 2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89., for preventing the administering and taking of - - - - - - - -	78.	I.
OFFENDERS, to empower the Court of Queen's Bench to order certain, to be tried at the Central Criminal Court - -	16.	E.
OFFICES (HOUSE OF COMMONS), to regulate certain - -	1.	U.K.
OFFICES AND EMPLOYMENTS, annual Indemnity Act for Persons neglecting to qualify for - - - - - -	73.	U.K.
OUT-PENSIONERS of Greenwich and Chelsea Hospitals, for further regulating the Payment of - - - - - -	15.	U.K.
OXFORD UNIVERSITY, to amend 17 & 18 Vict. c. 81., concerning -	31.	E.
——— to give to the University and to Colleges therein Power to sell and exchange Lands, under certain Conditions -	95.	E.

P.

PACKING; to prevent false Packing in the Hay and Straw Trade -	114.	E.
PARISHES; to extend the Provisions of 6 & 7 Vict. c. 37. for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes - - - -	104.	E.

	Cap.	Relating to
PARSONAGE HOUSES; to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses - - - - - - -	50.	E.
PAWNBROKERS, to amend the Acts relating to - - -	27.	G.B.
PEACE, for the better Preservation of - - - -	36.	I.
POLICE; to amend the Acts relating to the Metropolitan Police -	2.	E.
——— in Counties and Boroughs, to render more effectual -	69.	E.
POOR, to authorize for a further Period the Advance of Money out of the Consolidated Fund for the Employment of -	17.	G.B.&I.
——— to continue the Act 3 & 4 Vict. c. 89. for the Exemption of Stock in Trade from Rating to the Relief of the Poor	42.	E.
——— to amend the Law relating to the Relief of - -	117.	S.
POOR LAW COMMISSIONERS, to abolish the Office of Secretary to -	14.	I.
PRISONS, to amend the Laws relating to - - - -	68.	I.
PROCEDURE in the Superior Courts of Common Law, to further amend - - - - - - - -	102.	I.
PROCEDURE BEFORE JUSTICES; for amending the Procedure before Magistrates and Justices of the Peace - - -	48.	S.
PROCEDURE (JUDICIAL); to amend and re-enact certain Provisions of an Act 54 G. 3., relating to Judicial Procedure and Securities for Debts - - - - - - -	91.	S.
PROVIDENT SOCIETIES, to amend 17 & 18 Vict. c. 25., relating to -	40.	E.
PROXY, to reduce the Stamp Duties on certain Instruments of -	81.	E.
PUBLIC REVENUE, to alter the Mode of providing for certain Expenses now charged upon certain Parts of - - -	59.	U.K.
PUBLIC WORKS, to authorize for a further Period the Advancement of Money out of the Consolidated Fund for carrying on - - - - - - -	17.	G.B.&I.
——— to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on - -	18.	I.
——— for enabling the Commissioners of, to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts - - - - - - -	24.	I.
——— to amend 16 & 17 Vict. c. 136., for transferring to Counties certain Works constructed wholly or in part with the Public Money - - - - - -	37.	I.

Q.

QUEEN; to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia - - -	39.	U.K.
QUEEN'S BENCH (COURT OF), empowered to order certain Offenders to be tried at the Central Criminal Court - - -	16.	E.

R.

RACE-HORSES, to repeal and re-impose the Duty on, under new Regulations - - - - - - - -	82.	G.B.
"RAILWAYS ACT (IRELAND), 1851," to continue - - -	72.	I.
REAL ESTATES; to amend the Law and Practice of the Court of Chancery in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court - - - - - - - -	77.	I.
RATING, to continue the Act 3 & 4 Vict. c. 89., for the Exemption of Stock in Trade from - - - - - - -	42.	E.
REDEMPTION and Purchase of the Land Tax, to amend the Laws relating to - - - - - - - -	80.	S.

	Cap.	Relating to
REFORMATORY SCHOOLS; to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of Vagrant Children - - -	28.	S.
——— to amend the Mode of committing Criminal and Vagrant Children to - - - - - -	109.	G.B.
REGISTRATION; to amend the Provisions of the Marriage and Registration Acts - - - - - -	119.	E.
REGISTRATION OF VOTERS; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs - - - - -	58.	S.
REVENUE; to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue - - - -	43.	U.K.
——— to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue -	59.	U.K.
RICE, to permit the Use of, in the Distillation of Spirits - -	51.	U.K.
RUSHOLME (*Lancaster*), to confirm Provisional Order of the General Board of Health for Alteration of the Boundaries of the District of - - - - - - - -	26.	E.

S.

SAINT SEPULCHRE'S MANOR (*Dublin*); to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre, in and near Dublin, and for the future Regulation of certain Markets of the said Manor - - - - -	57.	I.
SALE OF INCUMBERED ESTATES; to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates, and to amend the said Acts - -	67.	I.
SALE OF SETTLED ESTATES, to facilitate - - - -	120.	E. & I.
SARDINIAN LOAN; to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia - -	39.	U.K.
SEAMEN'S SAVINGS BANKS, to make further Provision for the Establishment of - - - - - - - -	41.	U.K.
SECRETARY to the Poor Law Commissioners, to abolish the Office of	14.	I.
SECURITIES FOR DEBTS; to amend and re-enact certain Provisions of an Act of 54 Geo. 3., relating to Judicial Procedure and Securities for Debts - - - - - - -	91.	S.
SESSION (COURT OF), constituted the Court of Exchequer in Scotland	56.	S.
SETTLED ESTATES, to facilitate Leases and Sales of - -	120.	E. & I.
SHEEP and other Animals, to continue certain Acts to prevent the spreading of contagious or infectious Disorders among -	101.	U.K.
SMOKE NUISANCE Abatement (Metropolis) Act, to amend - -	107.	E.
SOWERBY BRIDGE (*York*), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of - - - - - -	25.	E.
SPIRITS, to permit the Use of Rice in the Distillation of - -	51.	U.K.
STAMP DUTIES on certain Instruments of Proxy, to reduce; to amend the Laws relating to the Stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption - - - - - - - -	81.	E.
STATUTES; to repeal certain Statutes which are not in use -	64.	E. & I.
STOCK IN TRADE, to continue the Act 3 & 4 Vict. c. 89. for the Exemption of, from rating to the Relief of the Poor - -	42.	E.
STOKE POGES HOSPITAL (*Bucks*), for confirming a Scheme of the Charity Commissioners for, with certain Alterations - -	111.	E.

	Cap.	Relating to
STRAW TRADE; to prevent false packing and other Frauds in the Hay and Straw Trade - - - -	114.	E.
SUGAR used in brewing Beer, to repeal and reimpose the Excise Duty on - - - - - - -	34.	G.B.&I.
SUPPLIES; to apply 1,631,005*l.* 1*s.* 5*d.* out of the Consolidated Fund to the Service of the Year ending 31st March 1856 - - - - - - -	4.	U.K
——— for funding Exchequer Bills, and raising Money by way of Annuities - - - - - -	5.	U.K.
——— to apply 26,000,000*l.* out of the Consolidated Fund to the Service of the Year 1856 - - -	7.	U.K.
——— for raising 21,182,700*l.* by Exchequer Bills for the Service of the Year 1856 - - - - -	19.	U.K.
——— for raising 5,000,000*l.* by way of Annuities - -	6.	U.K.
——— for raising the further Sum of 5,000,000*l.* by way of Annuities - - - - - -	21.	U.K.
——— for raising 4,000,000*l.* by Exchequer Bills and Exchequer Bonds for the Service of the Year 1856 - -	44.	U.K.
——— Appropriation of - - - - - -	105.	U.K.
SUPPLY, to constitute all legally qualified Persons Commissioners of, without being named in an Act of Supply - - -	93.	S.
SUPERANNUATIONS, to amend the Acts relating to Lunatic Asylums so far as relates to - - - - - - -	99.	I.
SURVEY of Great Britain, Berwick-upon-Tweed, and the Isle of Man, to continue 4 & 5 Vict. c. 30., for - - -	61.	G.B.

T.

TAXES. *See* ASSESSED, INCOME, and LAND TAX.		
TOWNS, to make better Provision for the Health of - -	103.	S.
TRADE AND COMMERCE, to amend the Laws affecting - - - -	60. 97.	S. E. & I.
TRIAL OF OFFENCES; Court of Queen's Bench empowered to order certain Offenders to be tried at the Central Criminal Court -	16.	E.
TURNPIKE ACTS, to continue certain - - - -	49.	G.B.
TURNPIKE ROADS, to continue certain Acts for regulating - -	71.	I.
TURNPIKE TRUSTS ARRANGEMENTS; to confirm certain Provisional Orders, made under 14 & 15 Vict. c. 38., to facilitate Arrangements for the Relief of Turnpike Trusts - - -	12.	E

U.

UNIVERSITIES. *See* CAMBRIDGE and OXFORD.		
UNLAWFUL OATHS, to continue 2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89., for preventing the administering and taking of - - - - - - -	78.	I.

V.

VAGRANT CHILDREN, to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of - - - - -	28.	S.
——— to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools -	109.	G.B.
VOTERS. *See* REGISTRATION OF VOTERS.		

W.

	Cap.	Relating to
WATERLOO WITH SEAFORTH (*Lancaster*), to confirm Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of - - - -	26.	E.
WEST HAM (*Essex*), to confirm Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of - - - - - - - -	26.	E.
WEST INDIA RELIEF COMMISSIONERS, authorized to grant further Time for the Repayment of Monies advanced by them in certain Cases - - - - - - -	35.	U.K.
WHICHWOOD DISAFFORESTING ACT, 1853, to amend - -	32.	E.
WILLIAMS (SIR WILLIAM FENWICK), to settle an Annuity on, in consideration of his eminent Services - - -	30.	U.K.
WINCHESTER (COLLEGE OF ST. MARY), to amend 17 & 18 Vict. c. 81. concerning - - - - - - -	31.	E.
——— to give the College Power to sell and exchange Lands, under certain Conditions - - - -	95.	E.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

BENGAL SECRETARIAT LIBRARY

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

DECIMO NONO.

At the Parliament begun and holden at *Westminster*, the Fourth Day of *November*, *Anno Domini* 1852, in the Sixteenth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

And from thence continued, by several Prorogations, to the Thirty-first Day of *January* 1856; being the FOURTH SESSION of the SIXTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
1856.

GOVT. OF BENGAL

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

****

CAP. I.

An Act to regulate certain Offices of the House of Commons. [28th *February* 1856.]

WHEREAS under an Act of King *George* the Third, Chapter Eleven, intituled *An Act to repeal an Act passed in the Thirty-ninth and Fortieth Year of His present Majesty, for establishing certain Regulations in the Offices of the House of Commons, and to establish other and further Regulations in the said Offices*, the Clerk of the House of Commons has the Power of Nomination or Appointment of all the Clerks in his Department, together with the Power of Suspension and Removal of all the Clerks so by him nominated or appointed: And whereas Sir *Denis Le Marchant* Baronet, on being appointed Clerk of the House of Commons, agreed that the Clerk Assistant and Second Clerk Assistant of the House should thereafter be appointed by Her Majesty: And whereas Her Majesty has, on the Recommendation of the Speaker, signified Her Pleasure that *Thomas Erskine May* Esquire be appointed Clerk Assistant of the said House; but the Powers of Appointment under the said Act cannot be varied without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 52 G. 3. c. 11.

A I. The

House of Commons Offices.

Appointment of Clerk Assistant confirmed, and future Clerks Assistant to be appointed by Her Majesty.

I. The Appointment of the said *Thomas Erskine May* shall be confirmed, and the Clerk Assistant and Second Clerk Assistant of the House of Commons respectively shall hereafter be appointed by Her Majesty by Warrant under Her Royal Sign Manual, and every present and future Clerk Assistant and Second Clerk Assistant shall be removable only by Her Majesty, upon an Address of the House of Commons to Her Majesty for that Purpose.

So much of Acts as fixes Salary of Second Clerk Assistant repealed.

II. So much of the several Acts relating to the Offices of the House of Commons as fixes the Salary of the Second Clerk Assistant, and charges such Salary on the Consolidated Fund of the United Kingdom, shall be repealed.

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ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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to be appointed after passing of this Act.

"The Commissioner of Police of the Metropolis;" and the Person who at the Time of the passing of this Act may be the surviving or continuing Commissioner appointed under the said Acts or either of them shall be such Commissioner of Police of the Metropolis; and all the Provisions of the said Acts concerning the Removal and Appointment from Time to Time of the said Justices or Commissioners, or either of them, shall be applicable to the Removal and Appointment from Time to Time of "The Commissioner of Police of the Metropolis."

Power to appoint Two Assistant Commissioners of Police, who, by virtue of such Office, shall be Justices of certain Counties herein named.

II. It shall be lawful for Her Majesty, by Warrant under Her Sign Manual, to appoint Two fit Persons to be during Her Majesty's Pleasure Assistant Commissioners of Police of the Metropolis, and upon every Vacancy in the Office of any such Assistant Commissioner in like Manner to appoint some other Person to such Office; and every such Assistant Commissioner shall by virtue of and during the Continuance of such Appointment be a Justice of the Peace of the Counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, *Kent*, *Berkshire*, and *Buckinghamshire*, and of all Liberties therein, and execute the Duties of a Justice of the Peace for the said several Counties and for all Liberties therein, although he may not have the Qualification by Estate required by Law in the Case of other Persons being Justices of the Peace for Counties: Provided always, that no such Assistant Commissioner shall act as a Justice of the Peace at any Court of General or Quarter Sessions, or in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detention and Committal of Offenders, and in carrying into execution the Purposes of this Act and the said recited Acts.

Provision as to Salaries of such Commissioner and Assistant Commissioners.

III. There shall be paid to the Commissioner of Police of the Metropolis such Salary not exceeding Fifteen hundred Pounds *per Annum*, and to each of the said Assistant Commissioners such Salary not exceeding Eight hundred Pounds *per Annum*, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, such Salaries respectively to be deemed to include the Remuneration for all Duties which under the said Acts and this Act, or under any other Acts of Parliament, the said Commissioner of Police and Assistant Commissioners respectively are or may be required or appointed to perform, and such Salaries shall be from Time to Time paid out of such Monies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

IV. The

Metropolitan Police.

IV. The said Assistant Commissioners of Police shall be within the Provisions of the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, in like Manner as if their Offices were enumerated in the Schedule to that Act.

Assistant Commissioners to be within Provisions of 4 & 5 W. 4. c. 24.

V. All the Jurisdictions, Duties, Powers, and Authorities which, under the said Acts of the Tenth Year of King *George* the Fourth and the Second and Third Years of Her Majesty, or either of them, or under any other Act of Parliament, are vested in or imposed on, or should or might, if this Act had not been passed, have been performed or exercised by, the Commissioners of Police of the Metropolis, shall be vested in and imposed on and shall and may be performed and exercised by the Commissioner of Police of the Metropolis; and all Enactments contained in the said Acts or any Act of Parliament having reference to the Commissioners of Police of the Metropolis shall be applicable to the said Commissioner, save where otherwise provided by this Act.

Powers vested in the Commissioners of Police under recited Acts to be exercised by the sole Commissioner.

VI. The Assistant Commissioners, and each or either of them, shall respectively, under the Superintendence and Control of the Commissioner of Police of the Metropolis, do and perform such Acts and Duties in execution of the Acts relating to the said Police as may be from Time to Time directed by any Orders and Regulations made by the Commissioner of Police of the Metropolis, with the Approbation of One of Her Majesty's Principal Secretaries of State.

Duties of Assistant Commissioners.

VII. Where by any Act of Parliament the Provisions of such Act are required or authorized to be executed or any Things are required or authorized to be done by One of the Commissioners of Police of the Metropolis appointed in that Behalf by One of Her Majesty's Principal Secretaries of State, such Provisions and Things shall be executed and done respectively by the Commissioner of Police of the Metropolis, or by One of the Assistant Commissioners nominated by the Secretary of State in this Behalf, as the Secretary of State shall direct.

Matters now required to be done by One Commissioner may be done either by the Commissioner or an Assistant, as Secretary of State may direct.

VIII. In case of any Vacancy in the Office of Commissioner of Police of the Metropolis, or in case of the Illness or Absence of any such Commissioner, it shall be lawful for such One of the said Assistant Commissioners as may be authorized by Writing under the Hand and Seal of One of Her Majesty's Principal Secretaries of State for

In case of Vacancy in Office of Commissioner of Police, or of his Illness or

Absence, an Assistant Commissioner may act for him.

for this Purpose to do all such Acts as it would be competent for the Commissioner of Police of the Metropolis to do, and all Acts done by any Assistant Commissioner so authorized shall be as valid and effectual as if done by the Commissioner of Police of the Metropolis if the Office had not been vacant, or (as the Case may be) if the Commissioner had been present and acting.

Provisions as to Commissioners of Police sitting in Parliament, &c. to apply to Assistant Commissioners.

IX. The Provision of the firstly-recited Act for preventing any Justice of the Peace appointed by virtue of that Act from being elected or sitting as a Member of the House of Commons, or voting in certain Elections of Members to serve in Parliament, or indirectly interfering therein, shall apply to and include the said Assistant Commissioners to be appointed under this Act.

Acts done by One Commissioner during the Vacancy in the Office of the other confirmed.

X. All Acts which, during any Vacancy in the Office of One of the Commissioners of Police of the Metropolis, have been done by the surviving or continuing Commissioner, shall be and be deemed to have been as valid and effectual as if there had been no such Vacancy, and such Acts had been done by both the Commissioners.

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VICTORIÆ REGINÆ.

CAP. III.

An Act to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in *Scotland* existing before the Act of One thousand eight hundred and forty-six.

[7th *March* 1856.]

WHEREAS, under the Provisions of the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Seventy-five, (whereby the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and thirteen, was extended to Joint Stock Banks in *Scotland*,) Her Majesty, with the Advice of Her Privy Council, is empowered to grant Letters Patent of Incorporation to any Company of more than Six Persons who were carrying on the Business of Bankers in *Scotland* on or before the Ninth Day of *August* One thousand eight hundred and forty-five, upon the Terms and in manner in the said Acts mentioned or referred to, but only for a Term of Years not exceeding Twenty Years: And whereas it is expedient that Her Majesty should be empowered in certain Cases to grant such Letters Patent of Incorporation for a longer Period: Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extending Period for which Her Majesty may grant Letters Patent of Incorporation to certain Joint Stock Banks in Scotland.

I. That, notwithstanding anything in the said Acts contained, it shall be lawful for Her Majesty to grant Letters Patent of Incorporation under the said Acts to any Company of more than Six Persons in *Scotland* who were carrying on the Business of Bankers before the said Ninth Day of *August* One thousand eight hundred and forty-five, either for a Term of Years or in perpetuity, but so that the same shall be liable to be dealt with by or under the Provisions of any future Acts of Parliament in every respect as if this Act had not been passed.

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VICTORIÆ REGINÆ.

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vice of the Years ending the 31st Day of March 1855 and 1856 the Sum of 1,631,005*l.* 1*s.* 5*d.* out of the Consolidated Fund.

in the Grants for the Service of the Years ending the Thirty-first Day of *March* One thousand eight hundred and fifty-five and One thousand eight hundred and fifty-six, the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 1,631,005*l.* 1*s.* 5*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 1,631,005*l.* 1*s.* 5*d.* on the

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance

pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

or

or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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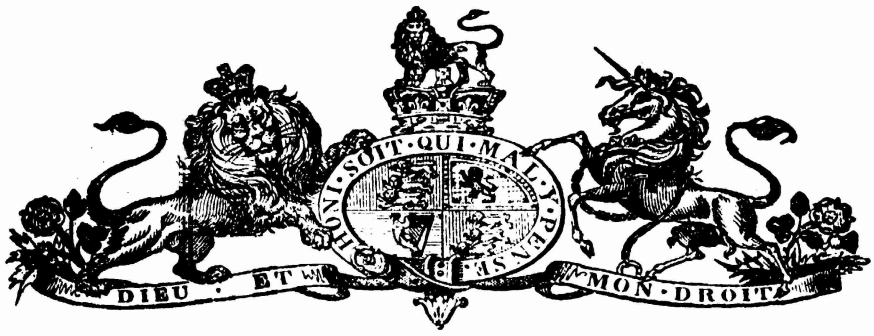

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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CAP. V.

An Act for funding Exchequer Bills and raising Money by way of Annuities. [7th *March* 1856.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, being desirous of making Provision to satisfy the Principal Sums contained in certain Exchequer Bills, to the Amount of Three Millions, and to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Persons who had engaged to subscribe towards funding the Sum of Three Millions in Exchequer Bills should be entitled, in respect of the Principal Sums contained therein, to such Capital Stock in Annuities as is herein-after mentioned, subject to the Provisions of this Act: We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Persons, their Executors, Administrators, and Assigns, who have subscribed, in Books opened at the Bank of *England* for that Purpose, towards funding the Sum of Three Millions in Exchequer

All Subscribers towards funding Exchequer

Bills to be entitled to 111*l.* 2*s.* 2*d.* 3 per Cent. Consols for every 100*l.* of such Bills.

First Instalment.

Exchequer Bills charged on Aids or Supplies dated in *December* One thousand eight hundred and fifty-four, *March*, *June*, and *August*, One thousand eight hundred and fifty-five, and who have deposited at the said Bank Ten Pounds *per Centum* on the Twenty-sixth Day of *February* One thousand eight hundred and fifty-six, as a First Instalment on the Amount of the Exchequer Bills which they have subscribed, or have paid on that Day to the Cashier or Cashiers of the said Bank such Money in lieu thereof as herein-after mentioned, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled, for every One hundred Pounds Principal Money contained in the Exchequer Bills so subscribed, to the Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein-after mentioned.

Periods for future Instalments.

II. The said several Subscribers for completing the Amount subscribed by them respectively shall deposit the future Instalments of Exchequer Bills with the Governor and Company of the Bank of *England* on or before the Days and Times herein-after mentioned; (that is to say,) Ten Pounds *per Centum* on or before the Third Day of *March* One thousand eight hundred and fifty-six; Twenty Pounds *per Centum* on or before the Thirteenth Day of *March* One thousand eight hundred and fifty-six; Thirty Pounds *per Centum* on or before the Twenty-ninth Day of *March* One thousand eight hundred and fifty-six; Twenty Pounds *per Centum* on or before the Tenth Day of *April* One thousand eight hundred and fifty-six; and the remaining Ten Pounds *per Centum* on or before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six: Provided always, that any Exchequer Bills charged on Aids and Supplies which may be current at the respective Times appointed for the Payment of the several Instalments herein-before mentioned, except those Exchequer Bills on which the Interest shall have previously ceased, may be deposited for such respective Instalments under this Act.

As to Payment of Interest on deposited Exchequer Bills.

III. The several Subscribers shall be entitled to receive such Interest as herein-after mentioned, at the Office of the Paymaster General, upon all Exchequer Bills deposited by them respectively at the Bank of *England*, in pursuance of this Act; (that is to say,) upon the Amount of the Exchequer Bills deposited for the First Instalment, Interest from the Day of the Date of such Bills so deposited up to the Twenty-sixth Day of *February* One thousand eight hundred and fifty-six; and upon the Amount of the Exchequer Bills deposited for the Second and every subsequent Instalment, according to the Directions of this Act, Interest from the Day of the Date of such Bills so deposited up to the several Days upon which the same shall be so deposited.

IV. Pro-

IV. Provided always, That it shall be lawful for any Subscriber to the said Sum of Three Millions, instead of depositing Exchequer Bills at the Bank of *England* in manner aforesaid, to pay to the Cashier or Cashiers of the Governor and Company of the Bank of *England* (who is and are hereby appointed Receiver or Receivers thereof, without any other Warrant to be made in that Behalf,) any Sum or Sums of Money in lieu of such Exchequer Bills, upon paying an Addition of Five Shillings per Centum upon the Amount which such Subscriber may so pay in Money; and every Subscriber who has so paid or shall hereafter pay Money instead of Exchequer Bills shall for every One hundred Pounds Five Shillings Principal Money so paid be entitled to the Sum of One hundred and eleven Pounds Two Shillings and Twopence Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein-after mentioned.

Subscribers may pay Money instead of Exchequer Bills, paying an additional 5*s.* per Cent. on the Money paid.

V. It shall be lawful for any Guardian or Trustee having the Disposition of the Exchequer Bills or Money of any Infant to subscribe and contribute towards the funding of Exchequer Bills under the Provisions of this Act; and such Infant, upon the Deposit or Payment of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and such Guardian and Trustee, as to the Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills or Money.

Guardians, &c. may subscribe, &c. towards funding of Exchequer Bills.

VI. The several Subscribers, their Executors, Administrators, Successors, and Assigns, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, or shall have paid or shall pay Money in lieu of such Exchequer Bills, shall, for every Sum of One hundred Pounds contained in such Exchequer Bills, or for every One hundred Pounds Five Shillings paid in Money, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned, such Annuities to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, and to be payable half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the First Payment to become due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

Periods for Payment of Dividends.

VII. As soon as any Subscribers, their Executors, Administrators, Successors, or Assigns, after Deposit of the First Instalment of Ten Pounds *per Centum* in Exchequer Bills, or Payment of Money in lieu thereof, shall have deposited any subsequent Instalment in respect of

Stock to be placed to Credit of Subscribers in Books at Bank of England.

of the Amounts subscribed by them respectively in Exchequer Bills, or shall have paid Money in lieu thereof, on the Days specified in this Act, they may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such subsequent Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Subscribers, their Executors, Administrators, Successors, and Assigns; and on Completion of the last Instalment such Subscribers, their Executors, Administrators, Successors, and Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the First Instalment and of such last Instalment; and the respective Subscribers to whose Credit such Consolidated Annuities or such proportional Parts thereof shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England;* and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credits the Principal Sums so deposited in Exchequer Bills or paid in Money by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Subscribers may anticipate Deposits or Payments.

VIII. All such Subscribers, their Executors, Administrators, Successors, or Assigns, who shall deposit at the said Bank the whole Amount subscribed by them respectively in Exchequer Bills or any Part thereof, or pay into the Hands of the said Cashier or Cashiers Money in lieu thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Interest shall only be payable on the Exchequer Bills so deposited in anticipation of any of the said Instalments from the Day of the Date of such Bills up to the Day of the actual Deposit thereof, and Discount shall not be allowed on any such Payment of Money in anticipation of any of the said Instalments.

Annuities charged on Consolidated Fund.

IX. All the Annuities which shall become payable under this Act are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and

so

so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer out of the said Consolidated Fund, to the Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the Dividends on the Annuities to be created under this Act, with the Charges attending the same.

Regulations as to Payment of Dividends.

X. For the more easy and sure Payment of the Annuities established by this Act, the Governor and Company of the Bank of *England*, and their Successors, shall from Time to Time, until all the said Annuities shall be redeemed or shall cease, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashiers or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and so much of the Monies by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Dividends and other Payments herein directed to be made out of the said Consolidated Fund shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid, at the Receipt of the Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Receipts to be assignable.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England*, who shall have received or shall receive any Part of the said Subscription towards the said Sum of Three Millions, shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited, or for the Sum of Money paid in lieu thereof, and the Receipt so to be given shall be assignable at any Time before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six, and no longer, and such Cashier or Cashiers shall from Time to Time deliver to the Paymaster General all the Exchequer Bills which shall be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest.

Subscribers Names to be entered in Books at the Bank of England.

XII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer at *Westminster*, there to remain for ever

Subscribers not paying up Sums subscribed, to forfeit their Deposits.

XIII. In case any such Subscribers who have already deposited or paid with or to or shall hereafter deposit or pay with or to the said Cashier or Cashiers any Exchequer Bills, or any Sum of Money in lieu thereof, at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner herein-before mentioned, then and in every such Case the said Deposit or First Instalment of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to such Deposit or First Instalment, or the said Consolidated Three Pounds *per Centum* Annuities in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to be deemed Personal Estate.

XIV. All Persons and Corporations who shall be entitled to any of the Annuities created by virtue of this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Books to be provided for the Entry and Registry of Transfers.

XV. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible

credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duty.

XVI. All the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of *England* shall be from Time to Time transmitted by the said Governor and Company and delivered over to the Paymaster General to be cancelled, and the Receipt for such Exchequer Bills, signed by the said Paymaster General, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymaster General is hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Deposited Exchequer Bills to be cancelled.

XVII. The Cashier or Cashiers of the Governor and Company of the Bank of *England* shall, from Time to Time as the same may be received, duly account for and pay over to the Receipt of Her Majesty's Exchequer all the Moneys which he shall have already received or shall hereafter receive in pursuance of this Act, within Five Days at the farthest after he shall have received the same, and shall account for the same in the Exchequer, according to the due Course thereof.

Monies received under this Act to be paid into the Exchequer.

XVIII. The Accountant General of the Governor and Company of the Bank of *England* shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded, and all Sums of Money subscribed to be paid, under the Provisions of this Act, and also the Amount of the Consolidated Three Pounds *per Centum* Annuities which shall be created by virtue of this Act.

Bank to certify Amount of Bills funded and of Stock created.

XIX. The Commissioners of Her Majesty's Treasury shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make Payment of an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service,

Payments to be made for incident Charges, and to the Bank for Services performed.

Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Appropriation of Money Payments.

XX. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as may be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers of the Governor and Company of the Bank of *England* as aforesaid in the Redemption of the Principal of Exchequer Bills charged on Aids or Supplies, and such Exchequer Bills so redeemed shall be delivered over to the Paymaster General to be cancelled, and also to apply such Moneys to such Services as have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

Three per Cent. Annuities shall be added to the Joint Stock of the Three per Cent. Consols.

XXI. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Punishment for Forgery of Receipts, &c.

XXII. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Subscription towards the said Sum of Three Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof, or of any Part or Parts thereof,

thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

Bank to continue a Corporation.

XXIII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Penalty on Persons taking Fees for Receipts or Payments.

XXIV. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Courts of Law at *Westminster*.

General Issue.

XXV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble

Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

XXVI. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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CAP. VI.

An Act for raising Five Millions by way of Annuities. [7th *March* 1856.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Sum of Five Millions be raised by Annuities in manner herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Contributor towards raising the said Sum of Five Millions shall for every One hundred Pounds contributed and paid be entitled to the Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence in Consolidated Annuities, after the Rate of Three Pounds *per Centum*, to commence and be payable as herein-after mentioned.

Contributors entitled to 111*l.* 2*s.* 2*d.* 3 per Cent. Consols for every 100*l.* contributed, &c.

II. And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, several Persons have, in Books opened at the Bank of *England* for that Purpose, subscribed together the whole of the said Sum of Five Millions to be raised by Annuities, and made Deposits of Ten Pounds *per Centum* on the respective

Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments.

Sums by them so subscribed to the said Sum of Five Millions with the Cashiers of the Governor and Company of the Bank of *England*:

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of *England* (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of *England* the several Remainders of the Sums by them respectively subscribed towards the said Sum of Five Millions, on or before the respective Days and in the Proportions herein-after mentioned; (that is to say,) Ten Pounds *per Centum* on or before the Third Day of *March* One thousand eight hundred and fifty-six; Twenty-five Pounds *per Centum* on or before the Thirteenth Day of *March* One thousand eight hundred and fifty-six; Twenty-five Pounds *per Centum* on or before the Twenty-ninth Day of *March* One thousand eight hundred and fifty-six; Fifteen Pounds *per Centum* on or before the Tenth Day of *April* One thousand eight hundred and fifty-six; and the remaining Fifteen Pounds *per Centum* on or before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six.

Power to Guardians to contribute for Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of Five Millions to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on Stock when to be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of Five Millions, shall be entitled, for every One hundred Pounds by them respectively advanced and paid, to an Annuity after the Rate of Three Pounds *per Centum*, in respect of the said Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence, to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the first half-yearly Payment of the said Annuity to be due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

Time at which Contributors,

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds

Pounds *per Centum*, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of Five Millions, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England;* and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

after Payment of Deposit, &c. may assign and transfer Stock.

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Contributors may make Payments in anticipation of Instalments.

VII. The Three *per Centum* Annuities aforesaid shall be payable and paid and be transferable at the Bank of *England*, and shall be subject to such Redemption as is herein-after mentioned.

Annuities payable and transferable at the Bank.

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of Five Millions, together with the Charges attending the same.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*;

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of Five Millions shall be

and shall be charged upon the said Fund.

be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of Five Millions, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipt for Subscriptions, which may be assigned before 24th April 1856.

Cashier to give Security for paying the Money he receives into the Exchequer.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Contributions towards the said Sum of Five Millions shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums; and the Receipts so to be given shall be assignable at any Time before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six and no longer: Provided always, that such Cashier or Cashiers shall give Security, to the good Liking of the Commissioners of Her Majesty's Treasury, for duly answering and paying into the Receipt of the Exchequer, as after mentioned, for the Public Use, all the Moneys which he or they has or have already received and shall hereafter receive from Time to Time, of and for the whole of the said Sum of Five Millions, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys, as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall

shall account for the same in the Exchequer, according to the due Course thereof.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers, in respect of the said Sum of Five Millions, to such Services as have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

Treasury may apply the Money paid into the Exchequer.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner hereinbefore mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds *per Centum* Deposit, and to the Annuity in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Contributors not paying up Sums subscribed to forfeit their Deposits.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of Five Millions, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Annuities to be deemed Personal Estate.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of

Accountant General to keep Books

for entering Transfers.

all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

Treasury to defray Incidents attending Execution of this Act.

XVII. Out of the Moneys arising from the Contributions towards raising the said Sum of Five Millions by Annuities, the Commissioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Allowance for the Expense of Management.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Five hundred Pounds for every Million of the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.

XIX. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of Five Millions, shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they

they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Sinking Fund.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of *April* which shall first happen Twelve Months after the Ratification of a definitive Treaty of Peace with *Russia*, and in every subsequent Year until such Portion of the said Funded Debt is extinguished, by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of Two hundred and fifty thousand Pounds; provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than Two hundred and fifty thousand Pounds, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt, the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in

in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or for any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

Bank to continue a Corporation till the Annuities hereby granted shall cease.

XXII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated Three Pounds *per Centum* Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Penalty on Persons taking Fees for Receipts or Payments.

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at *Westminster*.

General Issue.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

XXV. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

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VICTORIÆ REGINÆ.

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26,000,000*l.* out of the Consolidated Fund.

Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 26,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-six Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 26,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-six Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of

of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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of any other Crime or Offence in breach of or to the Prejudice of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British Isles* shall by such Articles be subject to be transported as a Felon, or be sentenced to Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or Penal Servitude, or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings

ings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

IV. Nothing in this Act shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony, or when accused of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse

The ordinary Course of Law not to be interfered with.

refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

V. No Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines

may

may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

As to General Courts-martial.

VIII. A General Court-martial convened in *St. Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward* Islands, *British Guiana*, *Newfoundland*,

foundland, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven; and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation or Penal Servitude.

Divisional and Detachment Courts-martial.

X. A Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

As to Courts-martial in special

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces which may

may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Cases out of the Queen's Dominions.

XIII. When necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer, for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

Proceedings at Trial.

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on

Trials

Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint

 made,

made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

XVIII. After a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment, so far as the Charge of which he was convicted, was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs

Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of Courts-martial.

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial, but Revision allowed.

XX. No Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of

of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine enlisted or in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

Commutation of Death for Transportation,

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital

Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any Term of Years, not less than Fourteen Years, or may sentence him to Penal Servitude for any Term not less than Four Years, or to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon either for Life or for any Term of Years not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

or other Punishment.

XXIV. Every Officer and other Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or to Penal Servitude not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so

Embezzlement punishable by Transportation or Penal Servitude.

ascertained

ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon or to be kept to Penal Servitude, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation of Offenders.

XXV. Whenever Her Majesty shall intend that any Sentence of Transportation or Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation or Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation or Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Transportation or Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be transported, or to be kept to Penal Servitude, shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or to be kept to Penal

Penal Servitude, or receiving Her Majesty's Pardon on Condition of Transportation or Penal Servitude; and from the Time when such Order of Transportation or Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave, of any such Offender; and the Judge who shall make any Order of Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation or Penal Servitude was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Transportation or Penal Servitude was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXVI. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation or Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience

obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation or Penal Servitude which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Transportation or Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour and Solitary Confinement not exceeding the Period herein-after prescribed.

Disposal of Convict after Sentence of Transportation.

XXVII. When any Sentence of Death shall be commuted for Penal Servitude or Transportation, or when any Marine shall by Court-martial be adjudged to Penal Servitude or to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude or Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her

Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment

XXIX. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, and in case of a Marine in addition to Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

XXX. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Power to commute Corporal Punishment.

XXXI. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of

 causing

causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for the Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

XXXIII. If

Marine Mutiny.

XXXIII. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any

Forfeiture of Pay when in Confinement;

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave not exceeding Five Days.

any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Marine shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to his Trial, and until such Decision has been pronounced: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when

when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment which such Court may award.

XXXVI. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good— **Stoppages.**

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal for Service or for general good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

XXXVII. Whenever any Marine shall have been convicted of any such disgraceful Conduct herein-before described, or of Desertion, and the **Discharge with Ignominy.**

the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXVIII. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be solitary only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence of a Court-martial for any Offence of which he has been before convicted, it shall be lawful for the Court to award Imprisonment for the Offence for which he is under Trial, upon Conviction thereof, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either

either of Imprisonment, of Penal Servitude, or Transportation, the Court, if empowered to pass Sentence of Penal Servitude or of Transportation, may award such Sentence for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Penal Servitude, Transportation, or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

XLIII. Every

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose, and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. The Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

XLV. Every

XLV. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, previously direct that such Marine be delivered to some other Officer or Person, in which Case he shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine and the Place from and to which he shall have been conducted and conveyed as aforesaid, and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of Two Shillings *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid, shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

Expiration of Imprisonment in Common Gaols.

XLVI. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force

Military Prisons established under Act for punishing Mutiny and

Desertion in Army to be deemed public Prisons.

force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

XLVII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLVIII. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subse-

XLIX. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted,

enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial. quent Re-enlistment.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons Apprehension of Deserters.

Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such

such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIII. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence

Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left his Family or any Part thereof chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Enlisting and swearing of Recruits.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money,

Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given

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his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name

Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, Ordnance, or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army, Ordnance, or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or who shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice of the United Kingdom, or before a Divisional or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces, Army, Ordnance, or Marines, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be

be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary of the Admiralty shall direct, or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces into which he has so enlisted or in the Navy into which he shall have entered: Provided also, that every such Person so enlisted shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, or if he had entered the Navy, to the Law, Rules, Regulations, and Customs by which the Navy is governed, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines or from the Navy if he shall neglect or refuse to join and serve in the Marines or in the Navy as aforesaid.

Penalty on Officers offending as to Enlistment.

LXII. Every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice

shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland* for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXV. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required

required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Punishment of Apprentices enlisting.

LXVI. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Removal of Doubts as to Attestation of Marines.

LXVIII. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High

Admiralty may order Pay to be withheld.

High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in One and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the

the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* as regards billeting Officers and Soldiers in the Royal Army at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs

of *Edinburgh:* Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Inn-keepers.

LXX. The Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof such a Sum as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall at any Time or Times direct, but not less than the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Persons for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding,

Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

Carriages.

LXXI. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which

which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded,

loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England:* Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in

England and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXIV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXV. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's

Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LXXVI. All Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying Persons or Baggage going thereto or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according

according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and

and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty upon Officers of Marines so offending.

LXXX. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every

Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry.

LXXXI. Every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction, certified by the proper Officer

Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. For the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Limitation of Actions.

LXXXV. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced

menced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture or Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXXVII. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England;* and such Justice shall give an attested Copy of such Examination to

the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths.

Perjury.

XC. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Definition of Terms.

XCI. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief

chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the War or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

XCII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-six until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-seven inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-six until the First Day of *May* One thousand eight hundred and fifty-seven inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-six until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-seven inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-six until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-seven inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-six until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-seven inclusive.

Duration of Act.

SCHE-

SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help you GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a Recruit, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday not being counted.

[*Date*] 185 .

you enlisted with

at o'Clock* on the Day of 185 , for the Royal Marines, and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested, or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty

* A.M. or P.M. as the Case may be.

Shillings

Shillings as Smart Money, you will be legally adjudged to be a Marine without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom, were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?*
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

* The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Calendar Months, and to Fourteen Days Imprisonment if he is not attested; and if he belongs to the Naval Coast Volunteers he is liable, under the Act Sixteenth and Seventeenth Victoria, Chapter Seventy-three, to Imprisonment for Six Months, and his Enlistment will be null and void.

OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, _____ *Signature of the Recruit.*

_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and at o'Clock.

_____ *Signature of the Justice.*

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any Distinctive Mark.

to wit. } I One of Her Majesty's Justices of the Peace at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of the Justice.*

DECLARATION

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with Twelve Years, and in the Case of a Marine about to embark for Foreign Service with such Number of Years as shall be required to complete a total Service of Twenty-four Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me,_____

_____ *Signature of Marine.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age - - - - -		
Height - - - -	Feet.	Inches.
Complexion - - - -		
Hair - - - -		
Eyes - - - - -		
Marks - - -		
Probable Date of Enlistment, and where		
Probable Date of Desertion, and from what Place - - - -		
Name and Occupation and Address of the Person by whom apprehended		
Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds		

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he† a Deserter from the above-mentioned Corps.

——————— *Signature and Address of Magistrate.*

——————— *Signature of Prisoner.*

——————— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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that the proposed Works have been executed according to the Plan and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will cause an Advance to be issued to an Amount not exceeding the Amount of the whole or of such proportional Part as in such Provisional Certificate shall be expressed of the Expenses which shall have been actually incurred in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual Value of the Land will be such that all or a Part of the Expenses of the Investigation of the Application, and of the Expenses of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expenses of such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expenses in respect of which such Loan, and the Advances on account thereof, shall be made.

Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.

II. The Allowances and Expenses to any Assistant Commissioner, Surveyor, Engineer, or other Person employed under the Provisions of the first-recited Act or any other Acts for the Drainage and Improvement of Land may, if the Commissioners shall think fit, with the Consent of the Commissioners of the Treasury, be by way of Per-centage upon the Amount or Amounts in respect of which any such Assistant Commissioner, Surveyor, Engineer, or other Person employed as aforesaid may report to the Commissioners.

Expenses of Assistant Commissioner and others may be by way of Per-centage.

III. Section Twenty-eight of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and Section Six of the said Act of the Tenth Year of Her Majesty, Chapter Eleven, shall be repealed; and when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that some Part thereof has been executed, which will, independently of the Part remaining unexecuted, be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made in respect of an Advance, and shall be satisfied by such Report or otherwise that such Expense has been actually incurred as will justify the Advance according to the Terms of the Provisional Certificate, the Commissioners shall issue a Certificate of Advance under their Seal, and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land.

Section 28. of 9 & 10 Vict. c. 101 and Section 6. of 10 Vict. c. 11. repealed.

Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act.

IV. The

IV. The Commissioners of the Treasury, upon the Application of the Commissioners, may from Time to Time direct the Comptroller of Her Majesty's Exchequer to give the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make Advances under the said Acts; and the said Comptroller General is hereby required, upon the Receipt of such Direction, either to give a Credit on the Exchequer Funds at the Bank of *England* to the Commissioners, or to issue to them, or cause to be placed to their Account at the Bank of *England*, Exchequer Bills for the Amount specified in such Direction from the Treasury; and the said Commissioners shall upon such Exchequer Credits or the Produce of the Sale of such Exchequer Bills give Warrants or Orders under their Seal to the Governor and Company of the Bank of *England* to pay from the "Drainage Advances and Repayments Account," to the respective Parties named in such Warrants or Orders, the Sums specified therein.

Power to Treasury to direct Advances to be made.

V. In case such Warrant or Order shall not be presented for Payment before the Sixth Day of *April* or the Tenth Day of *October*, whichever shall first respectively happen, next after the Date of such Warrant or Order, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order shall have been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to such Sixth Day of *April* or Tenth Day of *October* first happening as aforesaid; and where any Warrant or Order already issued has not been presented, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order has been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to the Sixth Day of *April* or the Tenth Day of *October* first happening after the passing of this Act.

Commencement of Rentcharge.

VI. Section Twenty-nine of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed; and in the Case of Advances proposed to be made under this or the said recited Acts in respect of Lands in *Scotland*, the said Commissioners shall deliver the Certificate of Advance to the Owner of the said Lands or Party applying for such Advance; and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sasines, and shall thereafter return the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered.

Section 29. of 9 & 10 Vict. c. 101. repealed.

In case of Advances in respect of Lands in Scotland Commissioners to deliver Certificate to Owner of said Land.

VII. All Certificates of Advance issued by the Commissioners shall be retained by them, and deposited with the Records of their Office.

Certificates of Advance to be deposited.

VIII. Upon any Apportionment of Rentcharge it shall be lawful for the Commissioners, if they shall see fit, to apportion such Rentcharge upon Parts only of the Land comprised in the Certificates of Advance

Upon Apportionment, Part of Lands may be freed

from Rentcharge.

Advance to the Exclusion of the other Lands comprised therein, and such Lands so excluded shall after such Order of Apportionment be absolutely exonerated and discharged from the Payment of any Part of such apportioned Rentcharges.

Part of Sect. 2. of 10 Vict. c. 11. repealed.

Commissioners may issue and advance notwithstanding Deviation.

IX. So much of the Second Section of the Tenth Year of Her Majesty, Chapter Eleven, as relates to an Advance, shall be repealed; and it shall be lawful for the Commissioners to issue an Advance in respect of any Works, notwithstanding Deviations therein from the proposed Manner of effecting the Drainage, if such Deviation shall appear to the Commissioners to be expedient, and productive of Improvement as permanent and of as great yearly Amount as the Manner at first proposed.

Construction of "Commissioners."

X. The Commissioners to issue and deliver Certificates of Redemption under the Forty-fifth Section of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and to declare that the Rentcharge shall continue a Charge upon the Land, under the Thirtieth Section of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, shall be the Board of Inland Revenue, and the Powers and Authorities vested in Commissioners under such Sections shall be executed by such Board.

Power for Commissioners to appoint, in certain Cases, a Substitute for Owner

XI. Where the "Owner of Land" shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, without having any Guardian, Tutor, Curator, Trustee, Committee of the Estate, Husband, or Attorney, it shall be lawful for the Commissioners, by an Order under their Hands and Seal, to appoint any Person approved of by them as the Substitute for such Owner, for all the Purposes of the said recited Acts and of this Act.

Act to apply to all Cases, whatever Date of Provisional Certificates.

XII. The Provisions of this Act relative to the Issue of Certificates of Advance, and other Provisions consequent thereon, shall apply to all Certificates to be hereafter issued by the Commissioners, whether the Provisional Certificates bear Date prior to or subsequent to the passing of this Act.

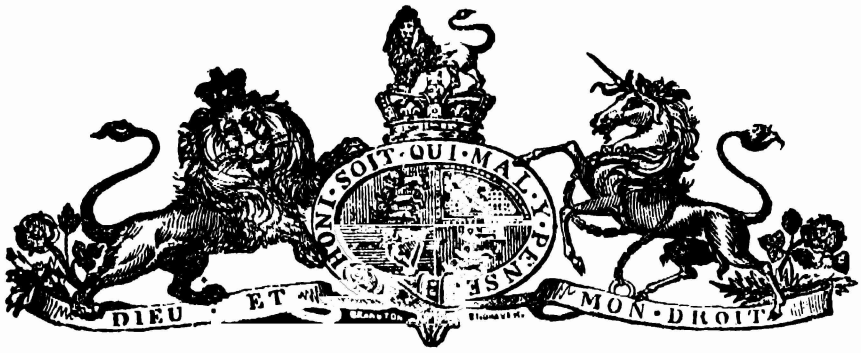
Acts to be read together.

XIII. The said recited Acts and this Act shall be read and construed together as One Act.

Short Titles.

XIV. In citing this Act and the said recited Acts, or any of them, except the said Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Public Money Drainage Acts," and such Expression shall be held to refer to and include so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty as amends the said Acts of the Ninth and Tenth and Tenth Years of Her Majesty, otherwise than in relation only to the Advance of private Money for Drainage.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.



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Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to be sentenced to Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or Penal Servitude or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, or in the Land Transport Corps or Army Works Corps, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the War Department

ment at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

IV. All Officers and Soldiers of any Troops being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad; or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

V. Nothing

Provision as to the Militia and Yeomanry Corps.

V. Nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein by any Act or Acts for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being, however, below the Degree of a Field Officer, except in the Settlements on the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or elsewhere where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

As to General Courts-martial convened in Saint Helena, &c.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward* Islands, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts

Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation or Penal Servitude.

District or Garrison Courts-martial.

IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Regimental or Detachment Courts-martial.

X. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial on Line of March or in Troop Ships, &c.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any such Countries, by any

As to Courts-martial in special Cases out of the Queen's Dominions.

Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

As to Appointment of mixed Courts-martial in Cases of Trials of Marines and Soldiers of the East India Company.

XII. Where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of an Act passed in the Twelfth and Thirteenth Years of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

As to Presidents of Courts-martial.

XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental

Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, the Officer convening such Court may be the President thereof.

Proceedings at Trials.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so as aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

As to swearing and summoning of Witnesses.

XV. All General and other Courts martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate

cate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewards Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions may be put in Evidence before passing Sentence.

XVI. After a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment, so far as the Charge of which he was convicted, was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Regimental or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport

purport to contain a Copy of the Entry of such Convictions in such Books, or any of them, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment by the Clerk of any such Court or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial to be transmitted to Judge Advocate General.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such

Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltrar*, or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial for the same Offence, but Revision may be allowed.

XVIII. No Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm or in any other of Her Majesty's

Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Troop, or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Judgment of Death may be computed for Transportation or other Punishments.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or may sentence him to Penal Servitude for any Term not less than Four Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for any Term of Years, not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

Embezzlement punishable by Transportation or Penal Servitude.

XXII. Any Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any

any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any Term of Years not less than Fourteen, or to Penal Servitude for any Term not less that Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon, or to be kept to Penal Servitude when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

As to Execution of Sentences of Transportation or Penal Servitude in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation or Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation or Penal Servitude of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation or Penal Servitude of other Offenders; and the Person in whose Custody such

such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported or to be kept to Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation or Penal Servitude; and from the Time when such Order of Transportation or Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape, or returning without Leave, of any such Offender; and the Judge who shall make any Order of Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation or Penal Servitude was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation or Penal Servitude was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Transportation or Penal Servitude in the Colonies.

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation or Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall

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make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender, in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation or Penal Servitude which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Transportation or Penal Servitude, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour, and Solitary Confinement not exceeding the Period herein-after prescribed.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement.

Power to commute Corporal Punishment for Imprisonment, &c.

XXVII. In all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Forty-two Days, or

or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, either solitary or with or without Hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Court-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.

XXVIII. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, or to Forfeiture of the Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,—

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service:

In tampering with his Eyes with Intent thereby to render himself unfit for the Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature,

Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on being found guilty of Desertion, &c. or on Conviction for Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or mutilated by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence of Court-martial, or for Debt, &c.;

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court; or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had

or during Absence on Commitment under a Charge, or whilst in Arrest for Debt; or when Prisoner of War until Inquiry shall be made;

had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that when any Sentence shall have been wholly remitted, and the Offence pardoned by competent Authority, the Soldier shall be entitled to receive his Pay for the Days he may have been in Confinement or Arrest previous to Trial, and until such Decision had been pronounced: Provided also, that it shall be lawful for Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

or when convicted of Desertion or of Absence without Leave; or when absent without Leave, not exceeding Five Days.

Proviso.

XXXI. Any Court-martial may sentence any Soldier for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when

Forfeiture of Pay for Drunkenness on Duty.

when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay, the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or the Militia:

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal for Service in the Field or for general good Conduct which may have been granted him by Order of Her Majesty, or by Order of the *East India* Company, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments,

ments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power to discharge Soldiers with Ignominy.

XXXIV. Whenever any Soldier shall have been convicted of any such disgraceful Conduct herein-before described, or of Desertion, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXV. On the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Regimental or Detachment Court-martial may sentence any Soldier to

to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be solitary only, or when any Sentence of Corporal Punishment shall have been commuted to such Imprisonment only, the Periods shall in no Case exceed Fourteen Days.

As to Imprisonment of Offenders already under Sentence for previous Offences.

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already imprisoned under Sentence of a Court-martial for any Offence of which he has been before convicted, it shall be lawful for the Court to award Imprisonment for the Offence for which he is under Trial, upon Conviction thereof, to commence at the Expiration of the Imprisonment to which such Offender shall have been previously sentenced; and where such Offender shall be already under Sentence, either of Imprisonment, of Penal Servitude, or of Transportation, the Court, if empowered to pass Sentence of Penal Servitude or of Transportation, may award such Sentence for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment, Penal Servitude, or Transportation to which such Offender shall have been previously sentenced, although the aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Terms and Places of Imprisonment under Sentences of Courts-martial.

XXXVIII. Save as herein-before specially provided, every Term of Penal Servitude, Transportation, or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Regulations as to Military Prisons.

XXXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or

or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which, under the Provisions of any former Act of Parliament, have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part

As to the Custody of Prisoners under Mili-

tary Sentence in Common Gaols.

Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Provision for Subsistence of Soldiers when imprisoned in

XLII. The Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-

a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Common Gaols.

XLIII. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Expiration of Imprisonment of Soldiers in Common Gaols.

XLIV. Musters shall be taken of every Regiment, Troop, or Company in Her Majesty Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

Musters, and Punishment for false Musters.

XLV. Every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps and be a Deserter therefrom, and whether such Soldier shall be tried for deserting

Trials for Desertion after subsequent Re-enlistment.

deserting from the Corps to which he may of right belong, or for deserting from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters in the United Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended, or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law, and such Justice shall also send to the Secretary-at-War a Report stating

stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of the same; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. Every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

As to the temporary Custody of Deserters in Gaols.

Desertion of Recruits prior to joining their Regiments.

XLVIII. Any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Provision as to fraudulent Confession of Desertion.

XLIX. Any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland* of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

land, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England*, as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Furlough in case of Sickness.

L. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the

the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit in the Action or Actions, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution,

Soldiers not liable to be taken out of Her Majesty's Ser-

Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left his Family or any Part thereof chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

vice for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

LIII. No Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not liable to take Parish Apprentices.

Mutiny.

Officers not to be Sheriffs or Mayors.

LIV. No Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Ninety-six Hours (any intervening *Sunday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each

each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee for reporting the Payment to the Secretary-at-War and Inspecting Field Officer of the District, shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom

he

he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully

fully concealed any such Infirmity, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall

7 & 8 G. 4. c. 29.

9 G. 4, c. 55.

have

have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprise for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted, or to the Navy into which he shall have entered: Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain

remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse, to join and serve in such Corps, or in the Navy as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LVIII. Every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LIX. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad: Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist or attest, or for any Justice of the Peace or Magistrate acting for the Place of such Re-enlistment or Enlistment, and not being a General Officer, nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become

become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LX. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXI. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of Masters to Apprentices.

LXII. No Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce

duce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

LXIII. No Apprentice or indentured Labourer as aforesaid claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the

Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Wages of Servants enlisting.

LXIV. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. And whereas certain Soldiers who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Soldiers have been so sworn and attested were duly qualified to administer to such Soldiers the Oaths prescribed by the several Acts passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters: In every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and

and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-six, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary-at-War.

Suspending Operation of certain Acts herein recited.

LXVII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers*, 6 Anne, c. 14. s. 8. (I.)

Soldiers, and providing Carriages for the Baggage of Soldiers on their March, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from One Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

Certain Requirements of 6 Anne, c. 14. (I.) as to billeting in Ireland, not now necessary.

LXVIII. And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and that it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only to the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed

LXIX. It

Mutiny.

How and where Troops may be billeted.

LXIX. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-Pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in One and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Com-

 manding

manding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaints being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh:*

Exemptions from Billets. Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority

Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Billeting the Guards in and near Westminster.

LXX. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constable shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXXI. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXXII. The Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him

him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Penny Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland* when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officers shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the

Lodging

Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition Terms.

LXXIII. All the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary.

Powers and Regulations as to Billets.

Supply of Carriages.

LXXIV. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march,

issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts,

Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained;

detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin* at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXVI. It shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland* by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage

Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVII. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXXVIII. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXIX. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage going thereto or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and

Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXXX. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXXI. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXIII. Nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony or of Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment

Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXIV. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXV. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXVI. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty

Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVIII. Any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in Pursuit of Deserters.

LXXXIX. Any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

XC. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four

Four Years and not exceeding Six Years, or be imprisoned with or without Hard Labour for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentences; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

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to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

XCI. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XCII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of

of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets;

XCIII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any

any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Twelve Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any Enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier, or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or Carriages;

and on Persons personating Soldiers, &c.

Penalties upon the Military so offending.

XCIV. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to

to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game without Leave.

XCV. For the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCVI. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give

all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin* or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCVII. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

XCVIII. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War.

5 & 6 W. 4. c. 76.

Mode of recording a Soldier's Settlement.

XCIX. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Licences of Canteens.

C. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard

regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

CI. All Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Commissaries to attest their Accounts.

CII. All Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

CIII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Offences against former Mutiny Acts and Articles of War.

CIV. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person

Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Duration of this Act.

CV. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-six inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-seven; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-six inclusive until the First Day of *May* One thousand eight hundred and fifty seven; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-six inclusive until the First Day of *August* One thousand eight hundred and fifty-seven; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-six inclusive to the First Day of *September* One thousand eight hundred and fifty-seven; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-seven inclusive until the First Day of *January* One thousand eight hundred and fifty-eight; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-eight inclusive until the First Day of *February* One thousand eight hundred and fifty-nine: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help you GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but no sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ _____ 185 .

you enlisted with

at o'Clock * on the Day of

for the Regiment and if you do not come

forward on or before o'Clock * on the

for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally

* A.M. or P.M., as the Case may be.

adjudged

adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Months if attested, and to Fourteen Days Imprisonment if he is not attested, and if he belong to the Naval Coast Volunteers he is liable under the Act 16 and 17 Victoria, c. 73. to Imprisonment for Six Months, and his Enlistment will be null and void.

Enlisting

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company* for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, _____ *Signature of Recruit.*

_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice _____

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or wit hin the Division or District or Place for which I act; that I am not an Officer of the Army; and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of Justice.*

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be,*) in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be,*] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that

that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named } this Day of }

Justice of the Peace of

or, *Commander in Chief*, or *Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

Mutiny.

No. .

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Regiment of .

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of* ‖ *Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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VICTORIÆ REGINÆ.

CAP. XI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

[11th *April* 1856.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Eleventh Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures mentioned in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The "Annual Inclosure Act, 1856," or "The Acts for the Inclosure, "Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Southwick - -	Sussex - -	26th May 1854.
Steep - - -	Southampton - -	17th May 1855.
Edlesborough - -	Bucks - - -	31st May 1855.
Birchanger - -	Essex - -	28th June 1855.
Highweek - - -	Devon - - -	5th July 1855.
Marrick - - -	York - - -	2d August 1855.
Wiggenhall Mead and Middle Moor Mead.	Hertford - -	19th April 1855.
Romsley - - -	Worcester - -	18th June 1855.
Church Coniston - -	Lancaster - -	2d August 1855.
Ingoldsthorpe - -	Norfolk - -	2d August 1855.
Capel Rigg Intack - -	Westmorland - -	6th September 1855.
Rettendon - - -	Essex - -	5th July 1855.
Alderholt - - -	Dorset - -	6th September 1855.
West Chiltington - -	Sussex - -	25th October 1855.
Conisbrough - -	York - -	18th August 1855.
Lockhill Wood - -	Hertford - - -	25th June 1855.
Coventry - - -	Warwick - - -	5th July 1855.
Mappledurwell - -	Southampton - -	20th December 1855.
Meonstoke - -	Southampton - -	4th January 1856.
Llanteague Common - -	Pembroke - -	17th January 1856.
Penherget - - -	Cornwall - -	21st January 1856.
Langley - - -	Kent - - -	4th January 1856.
Talyvan - - -	Glamorgan - -	17th January 1856.
Woolscott - - -	Warwick - -	17th May 1855.
Hunderthwaite - -	York - - -	17th January 1856.
Hexton - - -	Hertford - -	6th October 1853.
Upton upon Severn and Ripple	Worcester - -	10th January 1856.
Rogate - - -	Sussex - -	12th January 1856.
Niton (Isle of Wight) -	Southampton - -	22d December 1855.

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said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. That the said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1855.		£ s. d.		
10 Sept.	10 G. 4. c. 23., "An Act for repairing the Road "from Stockershead, at the Top of Charing "Hill, to a Place called Bagham's Cross in "the Parish of Chilham in the County of "Kent" - - - - -	2,075 0 0	2*l.* per Cent.	31st Dec. 1853, (except the Sum of 15*l.*)
10 Sept.	4 G. 4. c. 85., "An Act for more effectually re-"pairing the Road from the South End of "Brown's Lane in the Parish of Great Staugh-"ton in the County of Huntingdon, to the "Bedford Turnpike Road in the Parish of "Lavendon in the County of Buckingham." So far as the same relates to the Odell District	1,452 0 0	3*l.* per Cent.	31st Dec. 1854.
10 Sept.	Ditto. So far as the same relates to the Risely District - - - - -	1,325 0 0	3*l.* per Cent.	31st Dec. 1854.
12 Nov.	6 G. 4. c. 151., "An Act for more effectually "improving the Roads from Barnsley Common "to Grange Moor and White Cross, and for "making a Diversion of the said Roads from "or near to Redbrook in the Township of "Barugh to Barnsley, all in the West Riding "of the County of York" - - -	4,960 0 0	2*l.* 10*s.* per Cent.	No Arrears extinguished.
7 Dec.	6 G. 4. c. 101, "An Act for more effectually "repairing the Road from Greenhill Moor to "Hernstone Lane Head Road, near Stony "Middleton, and other Roads therein men-"tioned, in the County of Derby and in the "West Riding of the County of York; and "for making an Extension and Branch of "Road therefrom" - - -	10,112 2 0	4*l.* per Cent.	31st Dec. 1855.
17 Dec.	6 G. 4. c. 15., "An Act for more effectually "repairing the Road from Bramcote Odd "House in the County of Nottingham, to the "Cross Post upon Smalley Common in the "County of Derby, and from Ilkeston to "Heanor in the said County of Derby, and "from Trowell, in the said County of Not-"tingham, to the Town of Nottingham" -	7,837 10 9	3*l.* per Cent.	No Arrears extinguished.
17 Dec.	6 G. 4. c. 24., "An Act for more effectually re-"pairing the Road from Grantham, in the "County of Lincoln, to Nottingham Trent "Bridge in the County of Nottingham" -	10,535 2 0	3*l.* per Cent.	27th Jan. 1856.
17 Dec.	57 G. 3. c. 3., "An Act for continuing the Term "and enlarging the Powers of Two Acts of "the Seventeenth and Thirty-eighth Years of "His present Majesty, for repairing the Roads "from Henfield to Brighthelmstone, and from "Poyning's Common to High Cross in the "County of Sussex; and for repealing so "much of the said Acts as relates to certain "Parts of the said Roads" - -	3,134 10 0	3*l.* per Cent.	No Arrears extinguished.
17 Dec.	9 G. 4. c. 74., "An Act to alter, amend, and "enlarge the Powers and Provisions of several "Acts relating to the Road from Chester to "Northop in the County of Flint" -	5,750 0 0	3*l.* per Cent.	No Arrears extinguished.

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VICTORIÆ REGINÆ.

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the Order and Control of the Lords of the Treasury, as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever: And whereas in pursuance of the said recited Act, and of another Act passed in the Fifty-fourth Year of the Reign of His said late Majesty to alter and amend the said first-recited Act, the said Commissioners duly made their Award bearing Date on or about the Thirty-first Day of *December* One thousand eight hundred and sixteen, whereby they did set out and award to the King's Majesty, His Heirs and Successors, the several Allotments or Parcels of Land therein described, containing in the whole Three thousand nine hundred and five Acres One Rood Two Perches, or thereabouts, which have been duly enclosed and severed as by the said first-mentioned Act is provided: And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, the Possessions and Land Revenues of the Crown therein mentioned or referred to were placed under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and their Successors, and by the said Act Powers are given to the said Commissioners of selling, exchanging, and leasing the said Possessions of the Crown; and by the same Act it was provided, that the Powers of leasing therein-before given should not extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in *England:* And whereas, inasmuch as divers Parts of the said Allotments so made to the Crown as aforesaid have been found by Experience to be unfit to be used as Nurseries for Wood and Timber, it is expedient that so much of the first-recited Act as directs the same Allotments to be used in such Manner only shall be repealed, and that the Provisions of the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth should be extended to the said Allotments as after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

54 G. 3. c. xcix.

10 G. 4. c. 50.

Provision of 52 G. 3. c. cxxxvi., as to Allotment in Delamere Forest being kept for Timber only, repealed.

I. So much of the recited Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, Chapter One hundred and thirty-six, as provides that the Moiety of the said Forest of *Delamere* allotted to His said Majesty shall be made and kept as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever, shall be and the same is hereby repealed.

Powers of 10 G. 4. c. 50. relative to leasing, &c. Crown

II. All and singular the Powers of Leasing, Sale, Exchange, and Management, and other Provisions contained in the recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, relative to the Possessions and Land

Delamere Forest.

Land Revenues of the Crown to which that Act relates, not being Royal Forests, Parks, or Chases, shall hereafter extend over and have reference to the several Allotments or Parcels of Land awarded to the Crown under the Authority of the said Acts passed in the Fifty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, or of One of such Acts; and such Powers and Provisions may be from Time to Time exercised or acted upon by the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues who may, under any Act of Parliament, or any Order or Warrant of the Commissioners of Her Majesty's Treasury for the Time being, have the Management or Direction of the Allotments or Parcels of Land herein-before mentioned.

Lands to extend to Allotments awarded under recited Acts 52 and 54 G. 3.

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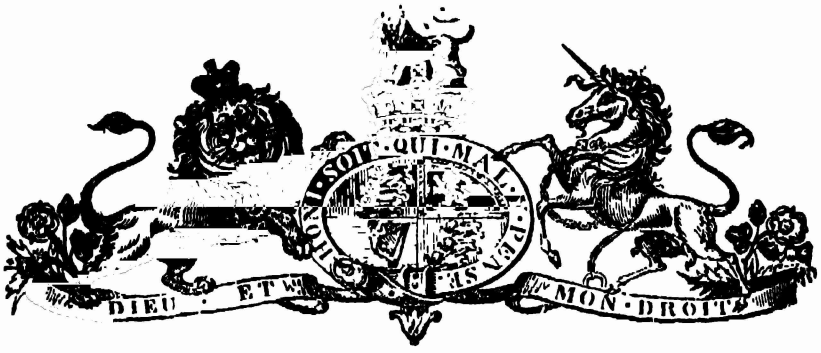

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VICTORIÆ REGINÆ.

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CAP. XIV.

An Act to abolish the Office of Secretary to the Poor Law Commissioners in *Ireland*.

[11th *April* 1856.]

WHEREAS the Office of Secretary to the Commissioners for administering the Laws for Relief of the Poor in *Ireland* is unnecessary, and it is expedient that the same should be abolished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act so much of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Ninety, as provides that the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall from Time to Time, subject to the Approval of the Lord Lieutenant, appoint a Secretary, shall be repealed; and the said Office of Secretary shall be abolished; and all Acts of the said Commissioners or of any of them which shall be done in exercise of the Powers and Authorities given to them or any of them by the said recited Act, or by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, or by any other Act or Acts, and in reference

So much of 10 & 11 Vict. c. 90. as to Appointment of Secretary to Poor Law Commissioners repealed, and Office abolished.

Acts done by Commissioners where Coun-

ter-signature of Secretary was heretofore necessary, valid.

reference to which the Counter-signature of the said Secretary was required before the passing of this Act, shall be valid and of full Force and Effect without such Counter-signature.

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and the Public Advantage, and upon the Production of such Proof of Title to Pension as he may consider necessary.

Accounts to be audited as Army Effective Services.

III. From and after the passing of this Act all Payments made by the said Secretary-at-War to or on account of the Pensioners aforesaid, and the Expenses of every Description connected with their Management and Payment, shall be audited and passed in the same Manner as the Accounts of the Army Effective Services are now audited and passed.

Nothing to interfere with Powers of the Admiralty and Chelsea Hospital as to granting &c. of Pensions, &c.

IV. Nothing in this Act contained shall be held to interfere with the Powers of the Lord High Admiral or the Lords Commissioners of the Admiralty and the Commissioners of *Chelsea Hospital* respectively, in regard to granting, increasing, reducing, suspending, taking away, or restoring of Pension, or to abridge, take away, or interfere with any Power, Authority, or Duty of the said Lord High Admiral or Commissioners respectively, other than by this Act is expressly provided.

Penalty for Frauds respecting Pensions.

V. Any Person guilty of fraudulently receiving or endeavouring to receive Pension Money, or Money in the Nature of Pension, from the Secretary-at-War, or from any Officer or Person employed or authorized to pay Pensions, shall upon Conviction be subjected to the same Pains and Penalties as are prescribed by Law in the Cases of Frauds committed or attempted to be committed upon the Commissioners of *Chelsea Hospital*, the Lord High Admiral or the Commissioners of the Admiralty, the Treasurer of the Navy, and the Paymaster General.

Power to restore Pensions to Greenwich Pensioners convicted of Felony.

VI. It shall be lawful for the Secretary-at-War, with the Concurrence of the Lord High Admiral or the Lords Commissioners of the Admiralty, to restore any *Greenwich* Pensioner who shall have been convicted of Felony, and thereby shall have forfeited his Pension, either to his original Pension or to any less Rate of Pension.

Pensions may be paid to the Wives and Children of Pensioners out of the United Kingdom.

VII. It shall be lawful for the Secretary-at-War, with the Consent of any *Greenwich* or *Chelsea* Pensioner residing temporarily out of the United Kingdom, to pay to or for the Benefit of his Wife, or, if he have no Wife, to or for the Benefit of his Child or Children, such Portion of his Pension as may be agreed upon; and the Receipt or Acknowledgment of the Person or Persons to whom the same shall be paid shall be a full and sufficient Discharge to the said Secretary-at-War for the Amount so issued by him.

Repayment to Parishes of Relief

VIII. If any *Chelsea* or *Greenwich* Pensioner shall be relieved, or become chargeable in *Great Britain* or *Ireland* in respect of Relief afforded

afforded to himself, or to any Person whom he is liable to maintain, or if in any Case the Secretary-at-War for the Time being and the Guardians of the Poor of any Union or Parish, or the Overseers of any Parish or Township not under a Board of Guardians, or the Heritors and Kirk Session of any Parish in *Scotland*, think it desirable that the whole or any Part of the Pension of such Pensioner should be advanced out of the Poor's Rate or Funds applicable to the Relief of the Poor, it shall be lawful for the Secretary-at-War, by any Writing under his Hand or under the Hand of any Officer or Person employed by him, to agree with such Guardians or Overseers, or Heritors and Kirk Session, for the Repayment to them out of the Pension of any such Pensioner of the Amount of Relief so advanced to or expended on his Account, not exceeding in any Case where Relief has been administered to his Wife or One Child only whom he is bound to maintain the Amount of One Half, or where such Relief has been administered to Two or more such Children, or to his Wife and One or more such Child or Children, the Amount of Two Thirds, of his Pension so advanced.

given to Out-Pensioners.

IX. In case any *Chelsea* or *Greenwich* Pensioner shall be or become insane, it shall be lawful for the Secretary-at-War for the Time being, upon being satisfied of such Insanity, to order that the Pension of such Insane Pensioner, or so much thereof as shall appear to the said Secretary-at-War to be necessary for his Care and Maintenance, shall be paid to such Guardians of the Poor or Overseers, or Heritors and Kirk Session, or to the Wife, Child, or any other Person to whom the Care of such Insane Pensioner may be intrusted, or who may be chargeable for or liable to the Expense of his Care and Maintenance; and the Receipt of the Person or Persons to whom the same shall be so paid shall be a sufficient Voucher and Discharge for so much Money as shall appear to have been paid thereon: Provided always, that where no Claim or Demand shall be made for the Support of any such Insane Pensioner, or where the Charge for his Care and Maintenance does not amount to the full Rate of his Pension, then and in every such Case it shall be lawful for the Secretary-at-War, at his Discretion, to order his Pension, or so much thereof as may not be necessary for his Care and Maintenance as aforesaid, to be paid to his Wife or Child or Children, if he have any.

As to Care of Lunatic Pensioners.

X. It shall be lawful for the Secretary-at-War for the Time being to pay or to authorize the proper Officer to pay to any Person or Persons who shall prove him, her, or themselves, to the Satisfaction of such Secretary-at-War or of the said proper Officer, to be the next of Kin or legal Representative of or otherwise legally entitled to any Pension

Arrears of Pensions under 50*l* may be paid to Personal Representatives without Probate or

Letters of Administration.

Pension Money due to any deceased Pensioner, the Amount of such Pension Money, not exceeding Fifty Pounds, although such Person or Persons shall not have taken out Letters of Administration or have procured Probate of any Will of such deceased Pensioner.

As to Bills of Exchange drawn by Consuls, &c. on account of Pensions.

XI. All Bills of Exchange drawn or to be drawn by *British* Ministers, Consuls, and others abroad, on account of Payments made by them to Out-Pensioners of *Chelsea* or *Greenwich* Hospital, shall be presented for Acceptance at the Office of the Paymaster General, and all Letters of Advice, Receipts, and Vouchers having relation to such Bills of Exchange shall be transmitted to the Office of the Secretary-at-War.

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tried at the Central Criminal Court.

said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Indictment or Inquisition shall be tried at the said Central Criminal Court.

When any such Order has been made, the Indictment shall be transmitted to the Central Criminal Court.

II. Whenever any such Order shall have been made, the Queen's Coroner and Attorney, or other Officer having the Custody of the Records of the said Court of Queen's Bench, shall forthwith upon Notice of such Order transmit such Indictment or Inquisition so removed by Certiorari as in the preceding Section mentioned, together with any Depositions, Examinations, or Informations relating to any Offence charged therein which shall be in his Custody, to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

The Court of Queen's Bench may order any Person charged with any Offence committed out of the Jurisdiction of the Central Criminal Court to be tried at that Court, and thereupon a Certiorari shall issue to remove the Indictment into the Central Criminal Court.

III. Whenever any Person shall have been committed or held to Bail for any Felony or Misdemeanor committed or supposed to have been committed at any Place out of the Jurisdiction of the said Central Criminal Court, and it shall appear to the said Court of Queen's Bench in Term Time, or to any Judge thereof in Vacation, that it is expedient to the Ends of Justice that such Person should be tried for such Offence at the said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Person shall be tried for such Offence at the said Central Criminal Court, and thereupon a Writ of Certiorari shall be issued to the Justices of Oyer and Terminer or of Gaol Delivery, or of the Peace, before whom any Indictment or Inquisition charging such Person with such Offence shall then be pending, or before whom any such Indictment shall thereafter be found, or to the Coroner before whom any such Inquisition shall have been or shall thereafter be taken, commanding them or him to certify and return such Indictment or Inquisition into the said Central Criminal Court.

When any such Order has been made, the Depositions, &c. shall be returned to the Central Criminal Court.

IV. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, the Justice before whom any Person charged with any Offence by such Indictment shall have been examined, the Coroner before whom such Inquisition shall have been taken, the Clerk of Assize, Clerk of the Peace, or any other Person having the Custody or Possession thereof, shall forthwith, upon the Delivery to him of an Office Copy of such Order, transmit any Recognizances, Depositions, Examinations, or Informations relating to the Offence charged in such Indictment or Inquisition which shall be in his Custody or Possession to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

V. Whenever

V. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, and any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, the Gaoler or Keeper of any Gaol or House of Correction in which any Person charged with any Offence by such Indictment or Inquisition shall be confined shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Person, with his Commitment and Detainer, to be safely removed to Her Majesty's Gaol of *Newgate* in the City of *London;* and thereupon the Keeper of the said Gaol of *Newgate* shall receive such Person into his Custody in the said Gaol of *Newgate*, there to remain until he shall be delivered by due Course of Law.

When any such Order has been made, the Prisoner shall be removed to Newgate.

VI. Whenever any Application shall be made to the said Court of Queen's Bench or to any Judge thereof, either before or after any Indictment or Inquisition shall have been found or taken, for an Order that any Person charged with any Offence by such Indictment or Inquisition, or committed or held to Bail for any Offence, shall be tried at the said Central Criminal Court, under the Provisions of this Act, it shall not be necessary for such Person to be brought or appear in Person before the said Court of Queen's Bench or the said Judge thereof, either upon the making or the Determination of such Application, and it shall not be necessary for such Person to plead any Plea to such Indictment or Inquisition in the said Court of Queen's Bench in any Case where such Indictment or Inquisition shall be ordered to be tried at the said Central Criminal Court under the Provisions of this Act.

A Defendant need not appear in Person or plead in the Queen's Bench.

VII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, any Person charged with any Offence by such Indictment or Inquisition shall be arraigned and shall plead to such Indictment or Inquisition, and shall be tried in the said Central Criminal Court, in the same Manner in all respects as if such Offence had been actually committed within the Jurisdiction of the said Central Criminal Court, and as if such Indictment or Inquisition had been originally presented at or returned to the said Central Criminal Court.

A Defendant shall be arraigned, plead, and be tried in the Central Criminal Court, as if the Offence was committed within the Jurisdiction of that Court.

VIII. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, such Court shall require any Person who shall be attending such Court under any Recognizance or Subpœna to prosecute, or to prosecute and give Evidence, or to give Evidence, upon the

When a Certiorari is delivered to any Court to remove any Indictment, such Court shall

bind the Prosecutor and Witnesses to appear on the Trial.

the Trial of such Indictment or Inquisition, to enter into a Recognizance in such Sum of Money as to such Court shall seem fit, to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, upon the Trial of such Indictment or Inquisition, whenever and wherever the same shall be tried.

Where a Certiorari is delivered to any Court to remove any Indictment, such Court may bail or commit any Defendant who has appeared there under any Recognizance.

IX. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, it shall be lawful for such Court either to require any Person who shall be attending such Court under any Recognizance to take his Trial upon such Indictment or Inquisition to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance and taking his Trial upon such Indictment or Inquisition, whenever and wherever the same shall be tried, as to such Court shall seem fit, or to commit such Person to the Common Gaol or House of Correction for the County or Place for which such Court shall be holden, there to remain until he shall be removed under the Provisions of this Act or otherwise delivered by due Course of Law.

All Recognizances to be obligatory on Persons entering into them to prosecute, &c. at the Central Criminal Court, if Notice be given of the Change of Court.

X. Every Recognizance which shall have been or shall be entered into for the Prosecution of any Person, and every Recognizance, as well of any Witness to give Evidence as of any Person to answer for any Offence, shall, in case any such Order shall be made for the Trial of such Offence at the said Central Criminal Court, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence, and to do all other Things therein mentioned with reference to the said Trial at the said Central Criminal Court, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, appearing, or giving Evidence, or doing such other Things before the said Central Criminal Court: Provided, that Notice in Writing shall have been given, either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the said Central Criminal Court upon the Trial of the said Offence: Provided also, that it shall be lawful for the said Court of Queen's Bench in Term Time, or for any Judge thereof in Vacation, to cause the Party applying for such Order, whether he be the Prosecutor or Party charged with such Offence, to enter into a Recognizance in such Sum, and with or without Sureties, as such Court or Judge may direct, conditioned to give such Notice to the Parties bound by such Recognizances to appear before the said Central Criminal Court: Provided also, that where it shall appear to any Court to which any Writ of Certiorari shall be delivered, for the Purpose of removing any Indictment or Inquisition from such Court, that

Court of Queen's Bench may require Party applying for a Trial at the Central Criminal Court to give Notice to all Parties bound by Recognizance.

that any Person so bound by Recognizance has been personally served with any such Notice as in this Section is mentioned, it shall not be necessary for such Court to require such Person to enter into a fresh Recognizance, unless it shall appear to such Court that it is expedient to the Ends of Justice that such Person should enter into such Recognizance.

XI. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, and any Person charged with any Offence by such Indictment or Inquisition shall then be in Prison, such Person shall not be discharged by such Court out of Prison, but shall remain therein until he shall be removed under the Provisions of this Act or otherwise discharged by due Course of Law.

Where a Certiorari is delivered to any Court the Court shall not discharge any Defendant then in Prison.

XII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to issue Process for apprehending any Person charged by such Indictment or Inquisition with any Offence, and to compel the Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment or Inquisition, in like Manner as in Cases of Indictments found at the said Central Criminal Court for Offences committed within the Jurisdiction of the said Central Criminal Court; and every such Process shall and may be lawfully executed at any Place within *England* and *Wales*.

Process may be issued against any Defendant at large, and Witnesses may be compelled to attend the Trial.

XIII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the several Rewards payable in pursuance of any Statute made or to be made, as to such Central Criminal Court shall seem reasonable and sufficient, to be paid by and to the same Persons and in the same Manner as if such Central Criminal Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County or Place in which such Indictment shall have been found or such Inquisition shall have been taken.

Expenses of the Prosecution and Rewards may be ordered to be paid.

XIV. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the said Gaol of *Newgate*, or any other Gaol or Prison, and the Government and Keeping thereof, for the

Her Majesty in Council may make Rules to effect the Purposes of this Act.

the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the *London Gazette*, or in such other Manner as Her Majesty by and with the Advice of Her Most Honourable Privy Council shall think fit to direct.

No Objection to be taken to any Writ of Certiorari, Order, or other Proceeding for removing any Indictment, &c.

XV. It shall not be lawful for any Person, by himself or by his Counsel, to take any Objection, either in the said Central Criminal Court or in any Court of Error, to any Writ of Certiorari, or to any Order of the said Court of Queen's Bench or of any Judge thereof, or to any other Proceeding under or by virtue of which any Indictment or Inquisition shall have been removed into the said Court of Queen's Bench, or transmitted or removed, under the Provisions of this Act, to the said Central Criminal Court, or to any Caption of any Court before which such Indictment shall have been found, or to any Matter or Thing set out or appearing on the Face of the Record, save and except only to such Indictment or Inquisition alone.

When the Indictment has been transmitted the Central Criminal Court shall have the same Authority as if the Offence had been committed within its Jurisdiction.

XVI. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, the Justices and Judges of the said Central Criminal Court for the Time being, or any Two or more of them, shall possess the same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment or Inquisition had actually been committed within the Jurisdiction of the said Central Criminal Court; and every such Offence may be dealt with, tried, and determined by and before such Justices and Judges of the said Central Criminal Court, or any Two or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Central Criminal Court, and as if such Indictment or Inquisition had been originally presented at or returned to the said Central Criminal Court.

It shall not be necessary to prove that any Indictment has been properly removed or transmitted.

XVII. It shall not be necessary for any Purpose whatsoever to prove that any Indictment or Inquisition for any Offence committed or supposed to have been committed out of the Jurisdiction of the said Central Criminal Court has been duly removed into the said Court of Queen's Bench, or duly transmitted or removed into the said Central Criminal Court under the Provisions of this Act, but every such Indictment and Inquisition shall be presumed to have been duly removed and transmitted or duly removed under the Provisions of this

this Act, upon Production of the same in the said Central Criminal Court by the proper Officer having the Custody of the Records of the said Central Criminal Court; and no Evidence or Proof to the contrary shall be admitted.

Verdicts and Judgments to be valid.

XVIII. Every Verdict and Judgment which shall be given upon any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall be of the same Force and Effect in all respects as if such Indictment had been duly found, and such Inquisition had been duly taken, within the Jurisdiction of the said Central Criminal Court, and as if the Offence charged in such Indictment or Inquisition had been actually committed within the Jurisdiction of the said Central Criminal Court.

Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Central Criminal Court.

XIX. When any Person shall have been convicted of any Offence at the said Central Criminal Court upon the Trial of any Indictment or Inquisition transmitted or removed thereto under the Provisions of this Act, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Conviction shall have taken place, or for any Two or more of them, or, in case Sentence shall not then be passed, for the Justices and Judges of the said Central Criminal Court, or for any Two or more of them, at any subsequent Sessions of the said Central Criminal Court, to order and adjudge such Convict to be punished according to Law at any Place, either within the Jurisdiction of the said Central Criminal Court, or within the County or Place where such Offence shall have been committed or supposed to have been committed; and in Cases where such Justices and Judges, or any Two or more of them, shall order such Convict to be punished in such County or Place, it shall be lawful for such Justices and Judges, or any Two or more of them, after passing Sentence upon such Convict, to make an Order commanding the Keeper of the Gaol of *Newgate* to cause such Convict to be delivered into the Custody of the Gaoler or Keeper of the Gaol or House of Correction in such County or Place, together with such Order, and commanding such Gaoler or Keeper to receive such Convict into his Custody in such Gaol or House of Correction, and him there safely to keep until such Sentence shall have been executed upon such Convict according to Law, or until he shall be otherwise delivered by due Course of Law, and also to make an Order commanding the Sheriff of such County or Place to execute such Sentence upon such Convict within such County or Place according to Law in the same Manner as if he had been tried and received such Sentence in such County or Place; and every such Sheriff, Gaoler, and Keeper respectively is hereby commanded to perform and execute

execute according to Law each and every thing which he shall be commanded to perform and execute by any such Order; and the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law; and in the Case of any Order directed to any Sheriff, and commanding him to execute any Sentence, it shall be sufficient to deliver such Order either to such Sheriff or to his Under Sheriff.

Any Prisoner removed or committed to Newgate under this Act may be taken to and from the Central Criminal Court as often as necessary.

XX. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of *Newgate*, under the Provisions of this Act, or shall have been committed to the Custody of such Keeper by the said Central Criminal Court, such Person shall, without Writ of Habeas corpus or other Writ for that Purpose, be removed into and from the said Central Criminal Court, when and as often as it may be necessary, by the Keeper of the said Gaol of *Newgate*, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law, and such Removal shall not be deemed an Escape.

Every Prisoner whilst being removed or detained under this Act shall be deemed to be in lawful Custody.

XXI. Every Prisoner so removed as in any of the preceding Sections of this Act is mentioned shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he shall have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the said Gaol of *Newgate*, or in any County Gaol or County to or through which he shall have been so removed, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding that he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he has been removed into or through any other Jurisdiction, County, Riding, or Division; and no Action or other Proceeding, Civil or Criminal, shall or may be maintained by such Prisoner or any other Person against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner shall have been removed, or against the Gaoler or Keeper of the Gaol to which such Prisoner shall have been removed, or against any other Person, by reason or in consequence of any such Removal or Detainer of such Prisoner, or by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of any such County of a City or Town, County, Riding, or Division

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Division from the Gaol or House of Correction of which such Prisoner shall have been removed into any other Jurisdiction, or out of such County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he shall have been removed into or through any other Jurisdiction, County, Riding, or Division, or by reason or in consequence of any Removal or Detention of such Prisoner under any of the Provisions of this Act.

Any Defendant on Bail may be bailed again or committed to Newgate.

XXII. Where any Person charged with any Offence by any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall appear before such Court in pursuance of any Recognizance for that Purpose or otherwise, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, either to require such Person to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance at such Central Criminal Court and otherwise, as to such Central Criminal Court shall seem fit, or to commit such Person to the Custody of the Keeper of the said Gaol of *Newgate* until he shall be discharged by due Course of Law.

Prosecutor and Witnesses may be bound by Recognizance to appear again at the Central Criminal Court.

XXIII. Whenever any Prosecutor or Witnesses, in any Case where any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, shall appear before the said Central Criminal Court, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, to require such Prosecutor and Witnesses to enter into such Recognizance, in such Sum of Money, and with such Condition as to Appearance at the said Central Criminal Court and otherwise, as to the said Central Criminal Court shall seem fit.

The Court of Queen's Bench may impose any Terms which seem reasonable on any Defendant applying to be tried at the Central Criminal Court.

XXIV. Whenever any Prosecutor or Person charged with any Offence shall apply, either before or after any Indictment or Inquisition shall have been found or taken, to the said Court of Queen's Bench, or to any Judge thereof, for an Order that such Indictment or Inquisition shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to require such Prosecutor or other Person to submit to such Conditions as to Bail, the Payment of the Costs of the Prosecutor and Witnesses, and of the Removal and Transmission or Removal of such Indictment or Inquisition, and of the Removal of such Defendant, and any other Matter or Thing whatsoever, as in the Judgment of such Court of Queen's Bench or Judge may reasonably be imposed upon such Prosecutor or Defendant.

Where the Crown obtains a Trial at the Central Criminal Court, the Expense of Witnesses shall be advanced to the Defendant.

XXV. Whenever any Application shall be made on behalf of Her Majesty or of any Prosecutor to the said Court of Queen's Bench, or to any Judge thereof, for an Order that any Person charged with any Offence shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to issue a Certificate, upon the Production of which the Commissioners of Her Majesty's Treasury may order to be paid out of any Monies provided by Parliament for Law Charges in *England* to the Person so charged a Sum not exceeding Twenty Pounds, to enable such Person to defray the Charges and Expenses of the Attendance of his Witnesses; provided that the Sum so advanced shall be allowed for in the Sum which in the event of the Acquittal of such Person may become payable under the Order herein-after mentioned.

Power to Court to order Expenses of any Person acquitted to be paid.

XXVI. In case any Person who shall be tried at the said Central Criminal Court under the Provisions of this Act, upon an Application on behalf of Her Majesty or of any Prosecutor, shall be there acquitted, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Acquittal shall have taken place, or for any Two or more of them, to order Reimbursement to the Person so acquitted of such Sum as shall appear to them to have been properly expended for such Removal of the Trial of such Person, and the Commissioners of Her Majesty's Treasury shall upon Receipt of such Order pay such Sum or Sums out of any Monies provided by Parliament for Law Charges in *England*.

The Treasurer of the County where the Offence was committed shall pay the Expenses of the Prisoner's Maintenance, &c. in Newgate.

XXVII. Where any Person shall have been removed or committed to the said Gaol of *Newgate* under the Provisions of this Act, the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed shall pay or cause to be paid to the Keeper of the said Gaol of *Newgate*, or to such other Person as the Visiting Justices of the said Gaol shall appoint, the actual Expenses incurred by the said Keeper in any Removal of such Prisoner to or from the said Gaol of *Newgate*, and also the actual Expenses incurred in the Maintenance, safe Custody, Care, and Punishment of such Prisoner, according to the Time for which he shall have been in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Gaol, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the said Gaol shall from Time to Time determine, including in such Expenses all Salaries of Officers, all Expenses of Repairs, Alterations, Additions, and Improvements in or to

to the said Gaol, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charges whatsoever on account of the Prisoners confined in such Gaol, subject, nevertheless, to a proportional Share of all Deductions on account of the Earnings of the Prisoners in the said Gaol, and of all Sums of Money received in aid of the Rates for the Maintenance of such Prison.

An Account of the Expenses of any Prisoner shall be delivered to the Treasurer of the County where the Offence was committed.

XXVIII. An Account in Writing of the Expenses due and payable in respect of the Maintenance, safe Custody, Care, and Punishment of such Prisoner as in the last preceding Section mentioned shall be made out from Time to Time and signed by the Clerk to the Visiting Justices of the said Gaol of *Newgate*, and delivered to the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed, and such Account shall be conclusive against such County or Place, unless some Objection thereto shall be made in Writing and signed by the Treasurer of such County or Place, and delivered to the Clerk of such Visiting Justices within One Calendar Month after such Account shall have been delivered to such Treasurer.

Act not to affect any Peer or Peeress.

XXIX. Nothing in this Act contained shall be deemed to apply to any Indictment or Inquisition charging any Peer or Peeress, or other Person claiming the Privilege of Peerage, with any Offence not now lawfully triable by any Court of Oyer and Terminer and Gaol Delivery for any County.

SCHEDULE (A.)

To the Keeper of the Gaol of Newgate, and to the Keeper of the Gaol [House of Correction] at in the County of

Central Criminal Court (to wit). } WHEREAS at a Session of the Central Criminal Court holden on the Day of in the Year of our Lord 18 , [*Prisoner's Name*] was convicted of [*here state shortly the Offence*], and was thereupon sentenced by the said Central Criminal Court to be [*here state the Sentence, including the County or Place where it is directed to be executed*]:

These are therefore in Her Majesty's Name to command you the said Keeper of the said Gaol of Newgate forthwith to cause the said [*Prisoner's Name*] to be delivered into the Custody of the said Keeper of

of the said Gaol [House of Correction] at in the said County of , together with this Order, and also to command you the said Keeper of the said last-mentioned Gaol [House of Correction] to receive the said [*Prisoner's Name*] into your Custody in the same Gaol [House of Correction], and there safely to keep him until the said Sentence shall have been executed according to Law, or until he shall be otherwise delivered by due Course of Law.

Given under the Hands and Seals of us, the undersigned Justices and Judges of the said Central Criminal Court.

A.B. (L.S.)
C.D. (L.S.)

SCHEDULE (B.)

To the Sheriff of the County of

Central Criminal Court (to wit). } WHEREAS at a Session of the Central Criminal Court holden on the Day of in the Year of our Lord 18 , [*Prisoner's Name*] was convicted of [*here state shortly the Offence*], and was thereupon sentenced by the said Central Criminal Court to be [*here state the Sentence, including the County or Place where it is directed to be executed*]: And whereas the said [*Prisoner's Name*] has been ordered to be removed into your said County in order that the said Sentence may there be executed upon him:

These are therefore in Her Majesty's Name to command you the said Sheriff to execute the said Sentence upon the said [*Prisoner's Name*] within your said County, according to Law.

Given under the Hands and Seals of the undersigned Justices and Judges of the said Central Criminal Court.

A.B. (L.S.)
C.D. (L.S.)

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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6 G. 4. c. 35. Chapter Seventy-seven: And whereas another Act was passed in the Sixth Year of the Reign of His said last-mentioned Majesty, Chapter Thirty-five: And whereas another Act was passed in the Seventh Year of the Reign of His said last-mentioned Majesty, Chapter Thirty: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said last-mentioned Majesty, Chapter Twelve: And whereas another Act was passed in the same Year, Chapter Forty-seven: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-four: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, Chapter Thirty-two: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, Chapter Seventy-two: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Fifty-one: And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, Chapter Ten: And whereas another Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty: And whereas another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Twenty-three: And whereas another Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Forty: And whereas sundry Advances or Loans have been made by the Commissioners of the said recited Acts for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects, and it is deemed expedient to make further Advances of Money out of the Consolidated Fund for the Purposes of such Loans: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

7 G. 4. c. 30.
7 & 8 G. 4. c. 12.
7 & 8 G. 4. c. 47.
1 & 2 W. 4. c. 24.
3 & 4 W. 4. c. 32.
4 & 5 W. 4. c. 72.
7 W. 4. & 1 Vict. c. 51.
1 & 2 Vict. c. 88.
3 Vict. c. 10.
5 & 6 Vict. c. 9.
9 & 10 Vict. c. 80.
14 & 15 Vict. c. 23.
16 & 17 Vict. c. 40.

Power to charge 360,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

I. For the Purposes of such Advances or Loans as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding

exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and fifty-seven.

II. The Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The "Commissioners for the Reduction of the National Debt on account of "the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books, in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act, for the Purposes of such Loans and Advances, and otherwise as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

III. The Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts, under the Title of "The Commissioners "for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England*, upon such or the like Certificates under the Hands of the said Commissioners of the said recited Acts and of this Act as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans, as directed by the said recited Acts or some or one of them, in such or the like Manner in all respects as if the Clauses and Provisoes

Bank to continue the Account already opened with the Commissioners for executing this Act.

visoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into the Bank to the Account of Commissioners for executing this Act to be carried to and made Part of the Consolidated Fund.

IV. All and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act.

V. The several Persons who in and by the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with Sir *Alexander Young Spearman* Baronet, *John Gellibrand Hubbard* Esquire, *Henry James Prescott* Esquire, *Thomas Matthias Weguelin* Esquire, *Kirkman Daniel Hodgson* Esquire, and *William Gladstone* Esquire, who have been appointed Commissioners for the Execution of the said recited Acts, under the Authority of the same or some or one of them, shall be, and they, and all future Parties so constituted, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration before acting.

VI. The said Commissioners named in and by the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A.B.* do declare, That, according to the best of my Judgment, I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act and the Acts therein recited, and other Acts having Reference thereto.'

And such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced, &c. under this Act to be certified to the Com-

VII. When and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for

for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*, and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

missioners for the Reduction of the National Debt.

Certificate, when produced, to be endorsed and signed by the proper Officer, and Payment made.

VIII. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account; and the said Commissioners shall in each Year cause such Accounts to be laid before both Houses of Parliament on or before the Thirtieth Day of *June*, if Parliament be sitting, or if Parliament be

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

be not sitting, then within Fourteen Days after the next Meeting of Parliament.

Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.

IX. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for Auditing the Public Accounts at *Somerset Place.*

Powers, &c. of recited Acts to have the same force as if re-enacted in this Act.

X. All and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall not be affected nor be deemed to have been affected by any Act or Acts of Parliament already passed or to be passed, except so far as the same may by any such Act passed or to be passed be altered, varied, or repealed by express Reference to the said recited Acts or this Act; and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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19 & 20 Vict. c. 17.

of Her present Majesty Chapter Fifty-one: And whereas by an Act passed in the present Session of Parliament, Chapter Seventeen, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and fifty-seven: And whereas sundry Advances or Loans have been made by the Commissioners of Public Works in *Ireland*, under the said first-recited Act, and the several Acts since passed for amending and extending the same for the Purposes in the same Acts specified, and great Benefits have been derived therefrom, and further Advances or Loans are required for the like Objects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

I. The Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may, out of the 360,000*l.* per Annum granted by 19 & 20 Vict. c. 17., apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

II. The said Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Two or more of them, may direct from Time to Time out of the Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* which by the said Act of this present Session of Parliament they are authorized to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt during the Term of Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds per Quarter as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt during the said Term of Five Years a Sum not exceeding Fifteen thousand Pounds *per* Quarter, to be at the Disposal of the said Commissioners of Public Works as herein-after mentioned, the First Instalment thereof to become due and payable in the Quarter ending the

the Thirtieth Day of *June* One thousand eight hundred and fifty-seven.

III. For the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of *England* under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several Purposes of the said first-recited Act and the other Acts amending the same, and of this Act.

The separate Account already opened to be continued at the Bank of England.

IV. When the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller or Chief Clerk acting under the last-named Commissioners shall, upon the Back of such Certificate endorse and sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England*, to be by them placed to the Account of the Governor and Company of the Bank of *Ireland* for the separate Account and Credit of the Paymaster of Civil Services in *Ireland* on account of the Public Works Loan Fund for *Ireland*, to be by him paid over on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in

When Treasury shall have sanctioned Loans Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of National Debt.

Upon Certificate being produced Payment to be made.

Approval of Treasury of such Issue to appear on Certificate.

in the Names of the said Commissioners for the Reduction of the National Debt, subject to the Disposal of the said Commissioners of Public Works.

Order to be entered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of England, who shall pay the same.

V. Every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England;* and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England*, and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Commissioners for Reduction of National Debt to furnish an annual Account for Audit.

VI. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account, to the Thirty-first Day of *December* in each Year, of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Bank of Ireland to continue Account with Paymaster of Civil Services of Repayments.

VII. The Governor and Company of the Bank of *Ireland* shall continue the Account already opened in their Books with the Paymaster of the Civil Services of *Ireland*, under the Title of "The "Paymaster of the Civil Services on account of the Repayment of "Loans for Public Works," and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of the same Account.

Appropriation and Entry of Repayments.

VIII. As soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for Account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein mentioned to be entered on the Books of the said Commissioners to the Credit of the Loan on account

account of which such Payment shall have been made, and such Receipt when so entered shall be delivered to the Party or Person on whose Account such Payment shall have been so made, and such Receipt shall be a sufficient Discharge to the Party or Person paying the same.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

IX. Every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works under this Act, shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *Ireland* to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

X. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof, and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account; and the said Commissioners shall, on or before the First Day of *June* in each Year, cause such Accounts and Statements to be transmitted to the Public Works Loan Commissioners at their Office in *London*; and such Accounts and Statements shall by the said last-mentioned Commissioners be laid before both Houses of Parliament on or before the Thirtieth Day of the same Month of *June*, if Parliament be sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament.

Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

XI. All the Enactments contained in the said recited Acts relating to Public Works in *Ireland*, or any of them, shall, except as is herein otherwise provided, extend to this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, in such or the like Manner as if they had been particularly and

 severally

severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit, except so far only as the same are amended or altered by any of the said Acts or by this Act.

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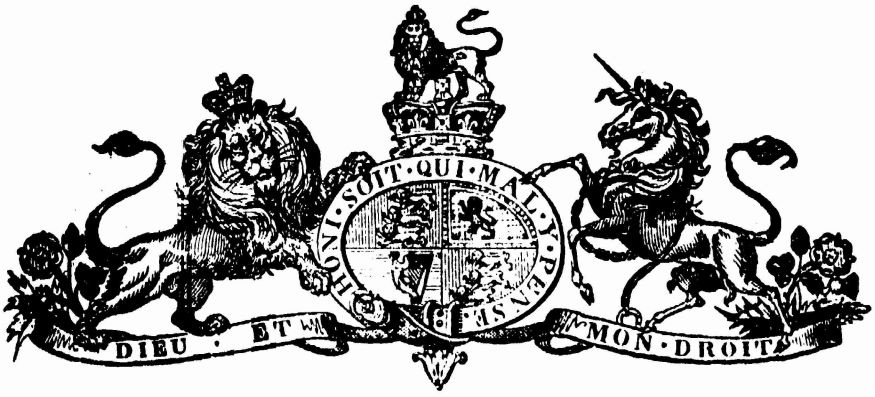
Printers to the Queen's most Excellent Majesty. 1856.



ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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as is prescribed by 48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to issue and apply the Money raised.

III. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills how to be charged and paid.

IV. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. The Exchequer Bills to be made out in pursuance of this Act shall bear Date on such Days subsequently to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VI. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate

Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 21,182,700*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

VIII. Nothing in this Act contained shall be construed to authorize the Commissioners of Her Majesty's Treasury to cause any Exchequer Bills to be made out in lieu of Exchequer Bills cancelled on or after the First Day of *April* One thousand eight hundred and fifty-six, under the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for funding Exchequer Bills, and raising Money by way of Annuities*, and the Amount of Exchequer Bills so cancelled on or after the First Day of *April* One thousand eight hundred and fifty-six shall be deducted from the Sum authorized to be raised by this Act.

No Exchequer Bills to be made out in lieu of Exchequer Bills cancelled after 1st April 1856, under Act of present Session for funding Exchequer Bills.

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Bankers Compositions.

Compositions continued.

II. All the Compositions payable under the said Act as amended by this Act to Bankers who have discontinued, or who shall agree with the said Governor and Company to discontinue, the Issue of their own Bank Notes, shall, if not previously determined by the Act of such Bankers as by the said Act provided, and unless Parliament shall otherwise provide, continue in force and be payable until Parliament shall prohibit the Issue of Bank Notes as defined by Section Twenty-eight of the said recited Act, or until the exclusive Privileges of the said Governor and Company mentioned in Section Twenty-seven of the said Act shall be determined in pursuance of such Section, or otherwise be determined or altered by Authority of Parliament.

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VICTORIÆ REGINÆ.

CAP. XXI.

An Act for raising the further Sum of Five Millions by way of Annuities. [5th *June* 1856.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Sum of Five Millions be raised by Annuities in manner herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Contributors entitled to 107*l.* 10*s.* 7*d.* 3 per Cent. Consols for every 100*l.* contributed, &c.

I. Every Contributor towards raising the said Sum of Five Millions shall for every One hundred Pounds contributed and paid be entitled to the Principal Sum of One hundred and seven Pounds Ten Shillings and Sevenpence in Consolidated Annuities, after the Rate of Three Pounds *per Centum*, to commence and be payable as herein-after mentioned.

II. And

Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments.

II. And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, several Persons have, in Books opened at the Bank of *England* for that Purpose, subscribed together the whole of the said Sum of Five Millions to be raised by Annuities, and made Deposits of Ten Pounds *per Centum* on the respective Sums by them so subscribed to the said Sum of Five Millions with the Cashiers of the Governor and Company of the Bank of *England*:

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of *England* (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of *England* the several Remainders of the Sums by them respectively subscribed towards the said Sum of Five Millions, on or before the respective Days and in the Proportions herein-after mentioned; (that is to say,) Twenty Pounds *per Centum* on or before the Twelfth Day of *June* One thousand eight hundred and fifty-six; Twenty Pounds *per Centum* on or before the Twenty-eighth Day of the same Month; Twenty Pounds on or before the Twenty-fourth Day of *July* One thousand eight hundred and fifty-six; Ten Pounds *per Centum* on or before the Twenty-eighth Day of *August* One thousand eight hundred and fifty-six; and the remaining Twenty Pounds *per Centum* on or before the Eighteenth Day of *September* One thousand eight hundred and fifty-six.

Power to Guardians to contribute for Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of Five Millions to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on Stock when to be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of Five Millions, shall be entitled, for every One hundred Pounds by them respectively advanced

advanced and paid, to an Annuity after the Rate of Three Pounds *per Centum*, in respect of the said Principal Sum of One hundred and seven Pounds Ten Shillings and Sevenpence, to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the first half-yearly Payment of the said Annuity to be due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

Time at which Contributors, after Payment of Deposit, &c., may assign and transfer Stock.

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds *per Centum*, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of Five Millions, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England;* and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Contributors may make Payments in anticipation

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money,

or

of Instalments.

or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable and transferable at the Bank.

VII. The Three *per Centum* Annuities aforesaid shall be payable and paid and be transferable at the Bank of *England*, and shall be subject to such Redemption as is herein-after mentioned.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*;

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of Five Millions, together with the Charges attending the same.

and shall be charged upon the said Fund.

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of Five Millions shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of Five Millions, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier

Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipts for Subscriptions and Warrants for Stock, which may be assigned and transferred by Delivery thereof.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Contributions towards the said Sum of Five Millions shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the Stock to be created in respect of the Second, Third, Fourth, and Fifth Instalments, on Payment of those Instalments respectively; which Receipts and Warrants shall be assignable and transferable by Delivery thereof: Provided always, that such Cashier or Cashiers shall give Security, to the good Liking of the Commissioners of Her Majesty's Treasury, for duly answering and paying into the Receipt of the Exchequer, as after mentioned for the Public Use, all the Moneys which he or they has or have already received and shall hereafter receive from Time to Time, of and for the whole of the said Sum of Five Millions, and for accounting duly for the same, and for the Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys, as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

Cashier to give Security for paying the Money he receives into the Exchequer.

Treasury may apply the Money paid into the Exchequer.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers in respect of the said Sum of Five Millions, to such Services as have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

A Book to be kept in the Accountant General's Office for

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered; which Book or Books the said

 respective

entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.

respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Contributors not paying up Sums subscribed to forfeit their Deposits.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner hereinbefore mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds *per Centum* Deposit, and to the Annuity in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to be deemed Personal Estate.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of Five Millions, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said

said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

XVII. Out of the Moneys arising from the Contributions towards raising the said Sum of Five Millions by Annuities, the Commissioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Treasury to defray Incidents attending Execution of this Act.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Five hundred Pounds for every Million of the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

Allowance for the Expense of Management.

XIX. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of Five Millions, shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.

XX. For

Sinking Fund.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of *April* One thousand eight hundred and fifty-seven, and in every subsequent Year until such Portion of the said Funded Debt is extinguished by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of Two hundred and fifty thousand Pounds; provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than Two hundred and fifty thousand Pounds, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or shall forge or counterfeit or cause or procure to be forged or counterfeited, or shall willingly act or assist in forging or counterfeiting, any Warrant for Stock to be created in respect of any such Instalment as aforesaid, either with or without the Name of any Person being inserted therein

as

as entitled to such Stock, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Receipt or Warrant, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or for any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

Bank to continue a Corporation till the Annuities hereby granted shall cease.

XXII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated Three Pounds *per Centum* Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Penalty on Persons taking Fees for Receipts or Payments.

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at *Westminster*.

General Issue.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence, in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass

for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

XXV. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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VICTORIÆ REGINÆ.

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Duties to be chargeable on all Insurances of Property within the United Kingdom wheresoever made.

I. The said respective Duties by the said Acts granted as aforesaid shall extend to and be payable and paid for and in respect of every Insurance of Property situate within the United Kingdom from Loss or Damage by Fire, whether the same shall be made by any Company, Society, or Person or Persons within or out of the United Kingdom, and whether the Policy or other Instrument, Note, or Memorandum of or relating to any such Insurance shall be made, signed, or issued in the United Kingdom or elsewhere, and whether there shall be any such Policy, Instrument, Note, or Memorandum, or not.

Persons insured chargeable with Duties where Insurances made by unlicensed Foreign Companies.

II. Where any such Insurance as aforesaid shall be made by any Company, Society, or Person or Persons out of the United Kingdom, the Person insured shall be chargeable with the Duties payable in respect of such Insurance, and shall pay the same to some Agent of such Company, Society, or Person or Persons who shall be duly licensed as herein-after mentioned, or, if there be no such Agent, then to the Receiver General of Inland Revenue, or some other Officer appointed by the Commissioners of Inland Revenue to receive the same, setting forth the Particulars of such Insurance in such Form as the said Commissioners shall require, and in default of such Payment the said Duties shall be a Debt due from him to Her Majesty, Her Heirs and Successors, and be recoverable in the Manner provided by the Eighth Section of the Act passed in the Fourteenth Year of Her Majesty's Reign, Chapter Ninety-seven, or by any other Mode by which any such Debt may be recovered.

All Persons who shall as Agents receive Proposals, &c. for Insurances by Companies out of the United Kingdom deemed to be Persons keeping an Office for insuring Property from Loss by Fire.

III. Every Person in the United Kingdom who shall as Agent receive or accept any Proposal or Instructions for the Insurance of Property from Loss or Damage by Fire by any Company, Society, or Person or Persons out of the United Kingdom, or who shall keep or have or conduct or manage any Office or Place for accepting or receiving or issuing any such Proposals or Instructions, or who shall be held out by any public Advertisement or Notice, with his Consent, as a Person to or by or from whom any such Proposals or Instructions may be given or received or obtained, or through or by means of whom any such Insurance as aforesaid may be effected, and every Person who shall in any Manner effect or negotiate or be concerned in effecting or negotiating any such Insurance as aforesaid for or on behalf of any such Company, Society, or Person or Persons as aforesaid, or who shall issue or deliver out any Policy or other Instrument or any Note or Memorandum of or relating to any such Insurance as aforesaid, made or proposed or intended, shall be held and deemed to be a Person keeping an Office for insuring Property from Loss by Fire within the Meaning of the several Acts before mentioned, and shall be and is hereby required to take out a proper Licence in that Behalf, and to give Security in the Manner directed by

Such Persons required to take out

by the said Acts respectively, and in such Form as the Commissioners of Inland Revenue shall think proper, for accounting for and paying the Duties with which he shall be chargeable as herein-after mentioned; and if any such Person hereby required to take out such Licence and to give such Security as aforesaid shall neglect or omit so to do, he shall forfeit the Sum of One hundred Pounds, and the like Penalty for every Day that such Neglect or Omission shall continue.

Licence and give Security for Payment of the Duties.

Penalty for Neglect.

IV. Every Person who by reason of any such Act or Means as in the preceding Clause mentioned shall be deemed to be a Person keeping such Office as aforesaid within the Meaning of this Act and the several Acts aforesaid shall account for and shall be chargeable with the Duties in respect of all such Insurances as aforesaid made or undertaken or agreed to by any Company, Society, or Person or Persons out of the United Kingdom for whom or on whose Behalf or in respect of whose Business of Insurance he shall do any such Act as aforesaid, or become a Person keeping such Office as aforesaid.

Persons keeping Offices for Insurances on behalf of Foreign Companies to be chargeable with the Duties on such Insurances.

V. Provided always, That nothing herein contained shall extend to limit or restrict the charging of the said Duties under any former Act now in force, or to charge with Duty any Insurance expressly exempted by any such former Act.

Not to limit Charge of Duty under former Acts, nor to charge Insurances exempted.

VI. And whereas a Practice prevails amongst certain Insurance Companies, on their granting Policies of Insurance from Loss by Fire for large Sums, to procure from other Companies, in consideration of Portions of the Premiums for such Insurances, Indemnity by way of Guarantee in case of any such Loss happening, against the Payment of certain Parts of the Sums insured, and it is expedient to exempt such Indemnity or Guarantee from the yearly Per-centage Duties which would otherwise be chargeable in respect thereof as an Insurance from Loss by Fire: Be it enacted, That where an Insurance from Loss by Fire shall be made by any Company who shall duly account for and pay the full and proper Duties chargeable in respect thereof, the yearly Per-centage Duty shall not be payable in respect of any Re-insurance effected by such Company with any other Company by way of Indemnity or Guarantee against the Payment on the original Insurance of any Portion of the Money insured thereby, and no other Duty than the Stamp Duty of One Shilling chargeable upon a Policy of Insurance from Loss by Fire shall be payable upon such Re-insurance.

Re-insurances from Loss by Fire not to be chargeable with the Per-centage Duty, but with the Policy Stamp only.

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Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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to the said Corporation certain Lands therein mentioned, and the said Corporation should have certain Powers and Privileges therein specified: And whereas by Letters Patent under the Great Seal of *Great Britain* and *Ireland*, bearing Date at *Westminster* on the Nineteenth Day of *August* in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and in all respects in accordance with the said Act, His said Majesty was pleased to grant and declare that certain Persons in such Charter named, together with such and so many other Person or Persons, Bodies Politic or Corporate, as had become or should at any Time thereafter become Subscribers or Shareholders of or for the Capital Stock therein-after mentioned, in manner therein-after provided, and their respective Successors, Executors, Administrators, and Assigns, should be One Body Politic and Corporate by the Name of "The *Canada* Company," and by that Name should have perpetual Succession and a Common Seal; and by the said Charter it was declared, that the said Corporation was established for the Purpose of purchasing, holding, improving, clearing, settling, and disposing of waste and other Lands in the Province of *Upper Canada*, and for making Advances of Capital to Settlers on such Lands, for the opening, making, improving, and maintaining Roads and other internal Communications, for the Benefit thereof, and for promoting the Cultivation of such Articles as could advantageously be exported from the said Province; and for the other Purposes therein-after mentioned, and that the present Capital or Joint Stock of the said Company to be used and applied in establishing and carrying on the said Undertaking and for the Purposes aforesaid should be a Sum of not exceeding One million Pounds Sterling, to be raised in Shares of One hundred Pounds each and in the said Charter Provision was made and Power given for the Transfer and Sale of Shares in the Company, and for making Calls thereon, and also for holding General Courts and Special General Courts of the Proprietors of the said Company, and for electing or appointing from Time to Time a Governor, Deputy Governor, and Directors and other Officers of the said Company, and for managing and directing the Affairs of the Company, and, if necessary, for raising additional Capital; and it was by such Charter declared, that all Sums of Money paid and received in respect of the Shares of the said Company, together with all Acquisitions or Investments whatsoever, whether Real or Personal, whether vested in the said Company in their own Name or in the Names of Trustees, or in what Manner soever the same should be vested, should form and constitute the Joint or Capital Stock of the said Company and their Successors for ever, and should be liable and answerable for the Debts, Liabilities, and Engagements of the said Company; and further, that it should be lawful for the said Company, not only to purchase, take, hold, sell, let, and dispose of all such Lands in the Provinces of *Upper Canada*

Charter, dated 19 August. (7 G. 4.)

Canada and *Lower Canada* as aforesaid, and more especially any such Lands as should be granted by His Majesty in virtue of His Royal Prerogative or by the Authority of Parliament, but also to contract for, bargain, purchase, and export all such Merchandises, Matters, and Things as might be necessary or convenient for the Cultivation, Clearing, or Improvement of the Lands which might be purchased by the said Company, and should also be empowered to import and receive, and to sell and dispose of, all Goods and Merchandise which might be consigned or remitted to them from such their Lands in Payment or Satisfaction of any Rent or Purchase Money arising from the Occupation or Sale of any such Lands, and to receive and negotiate in *England* Bills of Exchange, Promissory Notes, or other negotiable Securities for Money, which might be remitted to them on account of any such Rent or Purchase Money, and also to purchase, take, hold, sell, and dispose of all Lands, Tenements, and Hereditaments situate in *Great Britain* and *Ireland* or in the Provinces of *Upper Canada* and *Lower Canada*, or elsewhere in His Majesty's Dominions, which it might be necessary or convenient for the said Company to acquire, in order to the carrying the Purposes of such Charter into more complete Effect; and further, that Interest, calculated to the Tenth Day of *July* One thousand eight hundred and twenty-six, should, within One Month from the Date of the said Charter, be payable to the Members of the said Company, at and after the Rate of Four *per Centum per Annum*, from the respective Periods at which the Deposit and subsequent Calls (if any) on their Shares should have been paid, to be calculated upon and in respect of such Deposit and Calls, and on the Tenth Day of *January* and Tenth Day of *July* One thousand eight hundred and twenty-seven, and on each and every Tenth Day of *January* and Tenth Day of *July* until and ending with the Tenth Day of *January* One thousand eight hundred and thirty-one, further Interest at the like Rate should be calculated and become payable to the said Members upon the said Deposit and upon the Amount of the several Calls which should have been made upon and paid by them, and from and after the Tenth Day of *January* in the Year One thousand eight hundred and thirty-one it should be lawful to and for the Court of Proprietors, twice in every Year, in the said Months of *June* and *December*, if the State of the Affairs of the said Company should warrant the same, to declare such Dividend to and amongst the Members of the said Company for the Half Year ending on the Tenth Day of *July* and the Tenth Day of *January* next succeeding such respective General Court as to the said Court of Proprietors should appear proper, in addition to such Payment of Interest as aforesaid; and that in declaring such Dividends respectively due Regard should be had to all the Debts and Engagements of the said Company, and the Risks and Contingencies affecting their

Assets

Assets and Securities, and so as no Dividend or Interest after the said Tenth Day of *January* One thousand eight hundred and thirty-one should be in any Case paid out of the Capital of the said Company, or otherwise than as a Division of the whole or Part of the Gains and Profits of the said Company: And whereas an Act of Parliament was passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act for enabling His Majesty to grant to a Company to be incorporated by Charter, to be called the* Canada *Company, certain Lands in the Province of* Upper Canada, and thereby certain additional Powers were given to the said Company: And whereas the Sum of Thirty-two Pounds Ten Shillings *per* Share has been paid up on each Share, and the paid-up Capital of the said Company now consists of the Sum of Two hundred and eighty-nine thousand seven hundred and thirty-seven Pounds Ten Shillings, divided into Eight thousand nine hundred and fifteen Shares: And whereas Lands in the Province of *Upper Canada* to the Extent of Two millions four hundred and eighty-four thousand four hundred and thirteen Acres were purchased by the Company, who expended large Sums in improving the same, and a considerable Portion of such Lands have been sold at Prices considerably exceeding the Monies expended in purchasing and improving the same, but the Value of the unsold Portion of such Lands very far exceeds the Amount of the paid-up Capital of the Company, and of all the Liabilities of the Company, and the Company hold Mortgages and other Securities for Lands sold or contracted to be sold, and for other Monies owing to them, and other Securities for Money: And whereas Doubts have arisen whether the Company can divide as Profit the whole of the Monies arising from the Sale of Lands in which the Monies of the Company have been invested, and it is desirable that such Doubts should be removed, and that such additional Powers as after mentioned should be given to the Company: And whereas it is not in the Contemplation of the Company to purchase additional Land: And whereas such Objects and Purposes as aforesaid cannot be effectually carried into effect without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

9 G. 4. c 61.

Short Title.

I. In citing this Act for any Purpose whatsoever it shall suffice to use the Expression, "The *Canada* Company's Amendment Act, 1856."

For ascertaining what shall be

II. For the Purpose of ascertaining the Funds applicable to be divided among the Proprietors of the Company as and by way of Dividend,

dend, under the Provisions of the said Charter of Incorporation, it shall be lawful for the Court of Directors of the said Company from Time to Time to set apart or reserve such Part or Parts of the Lands of the said Company, whether contracted to be sold or not, and such Part or Parts of the Mortgages and other Securities for Money for the Time being held by the said Company, as they in their Judgment shall deem to be sufficient, having regard to the Value of the said Lands, Mortgages and other Securities, to be ascertained by such Estimates or Valuations as to the said Court of Directors shall be satisfactory, to answer the said Sum of Two hundred and eighty-nine thousand seven hundred and thirty-seven Pounds Ten Shillings, and from Time to Time to alter and vary the Lands, Mortgages and Securities, so set apart, for others, and without Prejudice to the Right of the Company to realize and sell the same or any Part thereof, and the Land, Mortgages and other Securities, for the Time being remaining so set apart and reserved, and the Proceeds thereof, shall for the Purposes aforesaid be deemed to be and to represent the Capital of the Company.

deemed to be the Capital.

III. All Monies to arise from the annual Rents and Profits of the Lands, and from the Interest and Profits of the Mortgages and other Securities of the Company, including the Lands, Mortgages and Securities, for the Time being so set apart and reserved, and all the Monies to arise and be received by Sale or otherwise for and in respect of all other the Lands, Property, and Effects of the Company, other than and except what under the Provisions of this Act shall for the Time being be set apart as representing the Capital of the Company, shall for all Intents and Purposes be treated as Gains and Profits of the Company, and, after deducting and retaining thereout so much as may be necessary to meet the Debts and Liabilities of the Company, the Residue thereof shall be applicable towards Payment of Interest on the paid up Capital of the Company, and the Dividends from Time to Time to be declared on the Shares therein.

For ascertaining what shall be deemed Profits of the Company.

IV. It shall not be lawful for the Directors to call up any further Part of the subscribed Capital of the Company.

No further Part of Capital to be called up.

V. It shall be lawful for the Proprietors of the Company, at a Special General Court called for the Purpose, by a Resolution to be passed by a Majority of Votes given at such Court by Proprietors duly qualified to vote, and according to the Number of Shares held by them respectively, in accordance with the Provisions of the said Charter, to direct that the Affairs of the said Company shall be wound up, and that the Company shall be dissolved, which Resolution shall be submitted to the Proprietors at a subsequent Special General Court to be

Power to wind up and dissolve the Company.

be also specially called for the Purpose, and held at an Interval of not less than One Calendar Month nor more than Two Calendar Months from the Special General Court at which the Resolution shall have passed; and such Second Special General Court shall, if required by any Nine Proprietors present thereat, be adjourned to a Time and Place to be then appointed by the Chairman, for the Purpose only of taking the Votes of the Proprietors on such Resolution; and in case the said Resolution shall be confirmed by a Majority of the Votes given at such Second Special General Court or adjourned General Court, as the Case may be, by Proprietors duly qualified as aforesaid, the Directors of the Company shall with all convenient Speed pay and discharge all Debts and Liabilities of the Company, and sell and convert into Money the Land and other Property of the Company then remaining undisposed of, and from Time to Time distribute the Monies arising from such Sales and Conversion, and the other Monies from Time to Time in their Hands, amongst the Shareholders of the Company, either by way of Interest and Dividends, or by way of Return of Capital, according as the Property from which such Monies shall have arisen ought to be treated as Gains and Profits or Capital of the Company.

Powers of the Company to continue until the same is wound up.

VI. Notwithstanding such Resolution for winding up the Affairs of the Company shall have been passed at such Two General Courts as aforesaid, the Company shall remain incorporated; and all and every the Powers and Authorities which by this Act and the said recited Acts, or any of them, or by the said Charter, are given to the Company, or to the Directors or other Officers thereof, or to the General Courts or Special General Courts of Proprietors of the Company, shall, subject to the Restrictions contained in this Act, remain in full Force, and the Shares in the said Company shall continue transferable, and Interest and Dividends shall be payable, and the Directors and other Officers of the Company shall continue to be appointed, until the passing such Resolution as after mentioned.

Directors to render final Balance Sheet of Liquidation.

VII. In case any Resolution for winding up the Affairs of the Company shall be passed at such Two General Courts as aforesaid, then and in that Case, when and so soon as all the Debts and Liabilities of the Company shall have been paid and satisfied, and all the Assets thereof shall have been realized, and divided amongst the Shareholders in the Company, the Directors shall make out a final Balance Sheet of the Affairs of the Company, and submit the same for the Approval of a General Court of Proprietors specially called for the Purpose of considering and approving such Balance Sheet, and for authorizing the final Dissolution of the Company; and if such General Court shall, by a Resolution passed thereat by a Majority of Votes given

given in accordance with the Provisions of the said Charter, approve of the said Balance Sheet, and authorize the final Dissolution of the Company, the Company shall as on the Day after the passing of such Resolution be dissolved.

VIII. This Act shall extend to and be in force in the said Provinces of *Upper Canada* and *Lower Canada*, as well as in the United Kingdom of *Great Britain* and *Ireland*, and shall be judicially taken notice of as such by all Judges, Justices, and others, in the said Provinces as well as in the United Kingdom aforesaid, without being specially pleaded. Public Act.

IX. The Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company. Expenses of Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XXIV.

An Act for enabling the Commissioners of Public Works in *Ireland* to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts. [23d *June* 1856.]

WHEREAS by an Act passed in the Session of the Tenth Year of Her present Majesty, Chapter Twenty-six, the Commissioners of Public Works in *Ireland* were incorporated, and authorized to purchase, as therein mentioned, Land for Prisons in *Ireland:* And whereas it is expedient to erect a suitable Prison for the Reception of Juvenile Convicts in *Ireland*, and certain Lands called the "Racecourse Commons," situate in the Parish of *Lusk* in the Barony of *Balrothery East* and County of *Dublin*, which are no longer used for a Racecourse, and are now lying waste and unproductive, would be a suitable Site for such Prison and the Purposes connected therewith, which Lands are described in the Schedule to this Act, and delineated on a Plan thereof, of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of *Dublin:* And whereas it is expedient that the said Commissioners should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said last-mentioned Lands; but the same cannot be effected

10 & 11 Vict. c. 26.

effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning herein-after assigned to them; (that is to say,) the Word "Commissioners" shall mean the Commissioners of Public Works in *Ireland*, or any Two of them; "Lord Lieutenant" shall mean the Chief Governor or Chief Governors of *Ireland* for the Time being; and "Lands" shall include Houses and Tenements and all Estates and Interests therein.

Short Title.

II. This Act may be cited for all Purposes as "The Juvenile Convict Prisons Act, 1856."

Provisions of 10 Vict. c. 26., except Section 4., and of 8 & 9 Vict. c. 18., extended to this Act.

III. The several Provisions of the said recited Act passed in the Tenth Year of Her present Majesty, Chapter Twenty-six, except Section Four, and the several Provisions of "The Lands Clauses Consolidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act, and the said incorporated Act, this Act shall be deemed to be the Special Act: Provided always, that all Things by the Lands Clauses Consolidation Act, 1845, required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners.

Power to purchase Land, and erect a Prison thereon.

IV. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and subject to the Provisions herein and in the "Lands Clauses Consolidation Act, 1845," contained, to purchase, compulsorily or by Agreement, and hold, the whole or any Part of the Lands mentioned and described in the Schedule to this Act annexed, and delineated on the Map or Plan deposited as aforesaid, which shall be required for the Site of the said Prison, and the Lands and Premises to be occupied therewith, and to erect, establish, and maintain thereon or any Part thereof a Prison for the Reception of Juvenile Convicts, with all necessary Enclosures and Erections, and to lay out the same with all such Paths and Roads as the Commissioners may deem necessary, and after the Completion of such

Purchase

Purchase all Commonable Rights in, over, or affecting the said Lands shall be extinguished, and the said Lands shall be vested in the said Commissioners in trust for Her Majesty, Her Heirs and Successors.

V. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Powers for compulsory Purchase of Lands limited.

VI. In order to acquire the said Lands without Delay and at the least possible Expense, the Commissioners shall cause to be made out, and to be signed by their Secretary, Maps or Plans and Schedules of the Lands, (for the Purchase of which, or of all the several Interests in which, the Commissioners shall not have contracted,) together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the separate and distinct Value of the Interest of every Party therein whose Interest the Commissioners shall not have contracted to purchase, so far as the same can be reasonably ascertained; and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards, and Courtyards, and Lands within the Curtilage of any Building and Ground, cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan herein-before referred to, showing the Lands required for the Site of the said intended Prison, and the Lands and Premises to be occupied therewith; and the Commissioners shall deposit such Maps or Plans, Schedules, and Estimates at the Office of the Directors of Convict Prisons, *Dublin Castle*, and a Copy of such Maps or Plans, Schedules, and Estimates with the Clerk of the Peace of the County of *Dublin*, and a Copy of the said Maps or Plans, Schedules, and Estimates with the Clerk of the Poor Law Union in which the said Parish of *Lusk* is included.

Commissioners to deliver Maps, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and deposit Copies with Clerk of the Peace and Clerk of Union.

VII. After such Deposit at the Office of the Directors of Convict Prisons as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be Arbitrator under this Act; and if any such Arbitrator die, or refuse or become incapable to act, the Lord Lieutenant may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Power to appoint an Arbitrator, on Application of Commissioners, for executing this Act.

VIII. The

Arbitrator may call for Documents and administer Oaths.

VIII. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Commissioners or of any Party making any Claim under the Provisions of this Act which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Commissioners, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe a Declaration.

IX. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A. B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of "The Juvenile Convict Prisons Act, 1856."

'Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Directors of Convict Prisons to be delivered to Arbitrator.

Notice of Appointment of Arbitrator, &c. to be published.

X. Upon the First Appointment of an Arbitrator as aforesaid the Directors of Convict Prisons shall deliver to such Arbitrator the Maps or Plans, Schedules, and Estimates deposited at their Office as herein-before required; and the Commissioners shall forthwith after such Appointment publish Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace and Clerk of Poor Law Union as aforesaid once in the "*Dublin Gazette*," and once in each of Three successive Weeks in some one and the same Newspaper circulated in the County of *Dublin*, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of this Act and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbitration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Commissioners

sioners shall publish Notice of such Appointment in the "*Dublin Gazette.*"

Arbitrator to adjudicate upon Compensation to be paid for Lands.

XI. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests, and the Compensation to be paid for Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, regard being had by the Arbitrator to such Provisions of the "Lands Clauses Consolidation Act, 1845," as may be applicable to and as are not inconsistent with or modified by the Provisions of this Act; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified or injuriously affected; and where any Inquiry relates, not only to the Value of the Rights or Interests in the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of any Rights or Interests in such Lands to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Commissioners; and such Draft Award and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, where the same may be known to the Arbitrator, or who shall have been heard before such Arbitrator, as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules, and Estimates as aforesaid, and of the Deposit of Copies of such Draft Award as aforesaid, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against such Draft Award (the First such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or

adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Commissioners shall thereupon publish Notice as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules, and Estimates as aforesaid, of the Deposit of Copies of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded, and such Statement and Abstract shall be paid for by the Commissioners.

Clerk of the Peace and Clerk of Union required to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83.

XII. The Clerk of the Peace and the Clerk of the Union aforesaid are hereby respectively required to retain the Documents to be deposited with them respectively under this Act in their Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Commissioners.

XIII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into

into execution, shall be paid by the Commissioners; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the Chief or Under Secretary at *Dublin Castle*, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses, by or on behalf of the Commissioners.

As to Costs of Parties.

XIV. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Commissioners.

Certificates of Amount of Compensation to be delivered by Commissioners.

XV. At any Time after the Delivery of such Statement and Abstract as aforesaid to the Commissioners, the Commissioners shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, Rights, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Commissioners Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands or the Rights or Interests therein may be included in One Certificate, if the Commissioners think fit, such Certificates to be prepared by and at the Costs of the Commissioners; and where any Agreement has been entered into in respect of the Value of the Rights or Interest of any Person in any Lands, or his Right to Compensation, the Commissioners may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

XVI. The Commissioners shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, or Assigns; and if the Commissioners wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Commissioners in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he had been by Warrant of Attorney from the Commissioners authorized to enter up Judgment for the Amount mentioned in the Certificate with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Commissioners entering on any such Lands as aforesaid.

XVII. When

When Amount mentioned in Certificates is paid to Parties Commissioners may take possession.

XVII. When and so soon as the Commissioners have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Commissioners, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable.

Receipts duly stamped to operate as a Conveyance.

XVIII. In every Case in which any Monies are paid by the Commissioners, under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest, every such Receipt to be prepared by and at the Costs of the Commissioners.

Payment of Monies where Parties making Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XIX. If it appear to the Commissioners, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title.

Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank.

XX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Commissioners have taken possession of any Lands under the Provisions of this Act, in respect of the Price or Compensation whereof, or of any Estate, Right, or Interest wherein, no Claim has been made within One Year from the Time of the said Commissioners taking possession,

sion, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Commissioners in respect of such Lands, Estate, Right or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

Commissioners may require further Evidence of Title, at their own Costs.

XXI. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting any Lands included in such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the said Commissioners.

Delivery of Certificate may be enforced by Application to the Court of Chancery.

XXII. If from any Reason whatever the Commissioners shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Right or Interest in any Lands the Possession whereof has been taken by the Commissioners as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Commissioners, be enforced by any Party or Parties, by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Commissioners by such Application as aforesaid.

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

XXIII. Where the Commissioners are desirous, for the Purposes of this Act, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Commissioners, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland* as herein directed such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Commissioners, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of this Act; and the Arbitrator shall, upon the Request of the Commissioners, at any Time after he shall have so framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Commissioners in respect of any Lands mentioned in such Draft Award, before they

enter upon and use the same as aforesaid; and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Commissioners in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had and Payments made as if such Entry and Deposit had not been made; provided that the Commissioners shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where, under this Provision, Interest is payable on any Purchase or Compensation Money, the Certificate to be delivered by the said Commissioners in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Commissioners to pay Interest from Time of Entry.

Mode of Deposit.

XXIV. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Commissioners, in the Matter of "The Juvenile Convict Prisons Act, 1856," and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such Deposit the Cashier of the said Bank shall give to the Commissioners, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to remain as a Security, and to be applied under the Direction of the Court of Chancery.

XXV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which shall so have been entered upon, for the Payment of the Money to become payable by the Commissioners in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Commissioners, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Commissioners it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the

the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Commissioners; or in default of such Payment as aforesaid by the Commissioners, it shall be lawful for the said Court to order the same to be applied, in such Manner as it shall think fit, for the Benefit of the Parties for whose Security the same shall so have been deposited.

Commissioners may deposit Money by way of Security while the Office of the Accountant General is closed.

XXVI. If at any Time the Commissioners be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank of *Ireland* by way of Security as aforesaid, it shall be lawful for the Commissioners to pay into the Bank, to such Credit as aforesaid, (subject nevertheless to being dealt with as herein provided,) such Sum of Money as the Commissioners shall by some Writing signed by their Secretary or Solicitor for the Time being, addressed to the Governor and Company of the Bank of *Ireland*, in that Behalf request; and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the said Commissioners shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General; and upon Production of such Direction at the said Bank of *Ireland* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Parties dissatisfied with Award may enter a Traverse.

XXVII. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any Party claiming under the Party so named) shall be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, it shall be lawful for such Party, in the Presenting Term for the County of *Dublin* next following the giving of such Certificate, or the Payment of such Money into Court, or the making the Award, or where such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then in the next subsequent Term, upon giving Ten Days Notice in Writing previously to such Term to the Secretary of the Commissioners of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of

of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*: Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Ten Pounds; and further, that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands or Houses of such Traverser injuriously affected by the said Commissioners, or to the like Effect respectively, as the Case may be.

Verdict on Traverse to have Effect of Judgment.

XXVIII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in *Ireland* against the Commissioners, and may be enforced by like Remedies against the Commissioners as in the Case of a Judgment at Law by all Parties interested therein; and in each Case where a Certificate shall have been delivered such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Commissioners, be delivered up to the Commissioners; and such Receipt for Damages shall be given as is herein provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the Commissioners shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court; but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Commissioners, be paid into Court; and the Payment of such Difference into

into Court, and the Payment of any Costs payable by the Commissioners in respect of such Traverse, shall be a good Discharge to the Commissioners on any such Verdict in the Nature of a Judgment as aforesaid.

XXIX. It shall be lawful for the Commissioners, for the Purpose of enclosing any Land which they shall have taken under the Provisions of this Act, to stop up, divert, or alter all or any of the Ways, Paths, or Watercourses which now lead into or over any Part or Parts of the said Lands.

Power to stop up indirect Water-courses, &c.

XXX. The Purchase Money or Compensation to be paid by the Commissioners in respect of any Interest in the Lands authorized to be taken under the Provisions of this Act, and for any Damage to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, and all Costs, Charges, and Expenses attending or incidental to the acquiring such Lands, or to the applying for and obtaining this Act, shall be paid by the Commissioners out of any Monies appropriated or to be appropriated by Parliament for building a Juvenile Reformatory Prison for Convicts in *Ireland*.

Expense of Site for Prison and for obtaining Act.

SCHEDULE to which this Act refers.

The Parish of Lusk in the Barony of Balrothery East and County of Dublin.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers
1	Pasture Land (Commonage), interspersed with Furze, Knolls, Pits, &c.	Lord of the Manor, Archbishop of Dublin or the Earl of Howth.	- - -	Arthur Forbes, Mark Taylor, Christopher Archbold, and others } Freeholders of the Parish of Lusk.
2	Small Cottage or Cabin -	Same - -	- - -	Christopher Dunn.
3	Small Fields in Pasture -	Same - -	- - -	Robert Aungier.
4	Two small Fields in Pasture.	Same - -	- - -	Michael Fleming.
5	Cottage and small Garden	Same - -	- - -	Catharine Stafford, Widow.
6	Cottage and small Garden	Same - -	- - -	Patrick Kiernan.
7	Small Cottage or Cabin -	Same - -	- - -	John Reilly.
8	Cottage and small Garden	Same - -	- - -	Thomas Moore.
9	Cottage, Garden, and small Field in Tillage.	Same - -	- - -	James Doran.
10	Small Field in Tillage -	Same - -	- - -	John Sweetman.
11	Cottage, Garden, and small Field in Tillage.	Same - -	- - -	Jane M'Carroll.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XXV.

An Act to amend the Law relating to Drafts on Bankers. [23d *June* 1856.]

WHEREAS Doubts have arisen as to the Obligations of Bankers with respect to cross-written Drafts: And whereas it would conduce to the Ease of Commerce, the Security of Property, and the Prevention of Crime, if Drawers or Holders of Drafts on Bankers payable to Bearer or to Order on Demand were enabled effectually to direct the Payment of the same to be made only to or through some Banker: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Draft crossed with Banker's Name, &c. to be payable only to or through some Banker.

I. In every Case where a Draft on any Banker made payable to Bearer or to Order on Demand bears across its Face an Addition, in written or stamped Letters, of the Name of any Banker, or of the Words "and Company," in full or abbreviated, either of such Additions shall have the Force of a Direction to the Bankers upon whom such Draft is made that the same is to be paid only to or through some Banker, and the same shall be payable only to or through some Banker.

Drafts on Bankers.

Construction.

II. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock or other Company, acting as a Banker or Bankers.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. XXVI.

An Act to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of *Waterloo with Seaforth*, *West Ham*, *Sowerby Bridge*, and *Moss-side*; for Alteration of the Boundaries of the Districts of *Rusholme* and *Bishop Auckland*; and for other Purposes. [23d *June* 1856.]

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained, and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Certain Provisional Orders of the General Board of Health confirmed.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the passing of this Act, so far as the same are authorized by the said Public

Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Power for Halifax Local Board to raise Money for purchasing Gasworks.

II. Whereas by the *Halifax* Gas Act, 1855, the Local Board of Health for the District of the Borough of *Halifax* having, under an Act of the Fourth Year of *George* the Fourth therein recited, Power to light with Gas the Streets within the District, were authorized and required to purchase the Undertaking of the *Halifax* Gaslight and Coke Company, and it is expedient that the Local Board be authorized to raise the Money required for the Purchase: Therefore the Local Board may, with the Approval of the General Board of Health, borrow on Mortgage of the Gasworks, and the Income therefrom, and the General District Rates for their District or any of them, the Money required for the Purchase of the Gasworks, and any necessary Extensions thereof, and from Time to Time may re-borrow such Part thereof as is not paid off by means of a Sinking Fund; and for the Purposes of this Enactment the Clauses "with respect to Mortgages "to be executed by the Commissioners" of the Commissioners Clauses Act, 1847, are incorporated with this Act.

First Election of Local Board of Waterloo with Seaforth.

III. The First Election of the Local Board of Health for the District of *Waterloo with Seaforth*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six.

Constitution of West Ham Local Board of Health.

IV. Three of the Members of the Local Board of Health for the District of *West Ham*, to be constituted in pursuance of the *West Ham* Provisional Order set forth in the Schedule to this Act, and of this Act, shall from Time to Time be delegated by the Court of Commissioners of Sewers for the *Dagenham* and *Havering* Levels; and the Twelve remaining Members of the said Board shall be elected for the whole of the said District of *West Ham* by the Owners of and Ratepayers in respect of Property in the said District.

First Election of Local Board of West Ham.

V. The First Election of the Local Board of Health for the District of *West Ham*, for the Purposes of the said Public Health Act, shall take place on the Fifth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-six.

First Election of Local Board of Sowerby Bridge.

VI. The First Election of the Local Board of Health for the District of *Sowerby Bridge*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six.

VII. The

VII. The First Election of the Local Board of Health for the District of *Moss-side*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six. First Election of Local Board of Moss-side.

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act, 1848, were One Act. Act incorporated with 11 & 12 Vict. c. 63.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1856." Short Title.

SCHE-

SCHEDULE to which this Act refers.

WATERLOO WITH SEAFORTH.

Provisional Order for the Application of the Public Health Act to the District of Waterloo with Seaforth, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the townships of Great Crosby and Litherland, in the parish of Sefton and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said townships, within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said townships for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said townships, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said townships, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act:

And

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and no such statements have been received by the said Board in relation to such Report.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said townships of Great Crosby and Litherland as is included within the boundary described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Great Crosby and Litherland, in the parish of Sefton, in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said district shall be called "Waterloo with Seaforth."

2.—The Local Board of Health for the said district shall consist of nine persons, and the entire number shall be elected for the whole of the said district.

3.—That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place; but in case the day as appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that such one third shall go out of office on the day next following.

4.—That every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—That, at the first election of the said Local Board, William Hall, of Seaforth near Liverpool, in the said county palatine of Lancaster, Esquire, shall have the powers and perform the duties vested in or imposed upon the

the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Hall, Esquire, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent or shall refuse to act, then William Gillibrand Unsworth, of Waterloo near Liverpool aforesaid, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Hall, at his residence at Seaforth aforesaid, or in case he shall refuse or be unable to receive the same then to the said William Gillibrand Unsworth, at his residence at Waterloo aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this sixth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the Description of the Boundary of the district of Waterloo with Seaforth referred to in the above Order:—

Commencing on the north at the point where a drain or gutter called "the Warrenhouse Gutter," falls into the estuary of the river Mersey, and following in an eastwardly direction the course of the same drain or gutter on the north side thereof, passing under the Liverpool, Crosby, and Southport Railway, unto and across a certain lane called Marsh Lane; then turning off at a right angle and running southwardly along the eastern side of the same lane, and on the western side of the said drain or gutter until the junction of the said lane with a road called "The Liverpool Road," and then crossing the said Liverpool Road and following for a short distance the southern line of an old watercourse in a field belonging to John Myers, Esq., now covered in and supposed to be a part of the aforesaid drain or gutter, until such watercourse reaches a thorn fence on the east side of the same field near a gate, and there turning a little south-eastwardly and running in a southerly direction along a continuation of the same fence in Mr. Myers' land, to the northern side of a lane called "Sware Lane," where such lane terminates westwardly, and is met by another lane running thence westwardly called "Makin's Lane;" then proceeding southwardly in a direct line, slightly bearing eastwardly, across the end of "Sware Lane," and over a plantation shrubbery and two fields belonging to the trustees of the will of John Hicks, Esq., skirting in its course the eastern end of a long and narrow plantation, also belonging to the same trustees, until such line comes to a point where it meets the boundary line dividing the townships of Great Crosby and Litherland; then turning again at a right angle and proceeding in an eastwardly direction along such boundary line until it reaches the northern end of a lane or occupation road called "Brickfield Lane," where it again turns off angularly and follows in a south-westwardly

westwardly direction the eastern side of such lane until it passes under the said Liverpool, Crosby, and Southport Railway, at which point it again turns south-eastwardly and follows the western side of the same railway to a point where such railway crosses the boundary line dividing the townships of Litherland and Linacre, and thence turning westwardly follows the said boundary line in a westwardly direction to its western termination; the whole of the western side of the boundary intended to be hereby described being defined by the estuary of the river Mersey.

WEST HAM.

Provisional Order for the Application of the Public Health Act, 1848, *to the Parish of West Ham, in the County of Essex.*

General Board of Health.

Whereas upon the Petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of West Ham, in the County of Essex, such Parish having a known and defined boundary (the number of such petitioners greatly exceeding thirty in the whole), the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the same Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, and the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Public Health Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited, as required by that Act.

And

And whereas it appears upon such Report that there is a certain Local Act in force within the said Parish having relation to the purposes of the said Public Health Act, that is to say,

An Act passed in the Session of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to extend "the Powers of the Commissioners of Sewers for the Levels of Havering, "Dagenham, and other Places, and to enable them to construct Sewers "in the Parishes of West Ham, East Ham, and North Woolwich."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said Parish, but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President and the official seal of the Board, direct, that from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order:—

1.—THE Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to the Parish of West Ham, in the County of Essex; and the said Parish shall be a District for the purposes of the said Public Health Act.

2.—The Local Board of Health for the said Parish shall consist of fifteen persons, and shall be constituted as provided in the Act of Parliament confirming this Order.

3.—One third in number of the elected members of the said Local Board shall go out of office on the day next after the expiration of a year from the day appointed by Parliament for the first election of the said Local Board, and so on annually.

4.—Every such elected member of the Local Board shall, when elected, and while he continues a member of the said Local Board, be resident, as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of the said Parish, or of some township or place of which some part is within the said district, upon an annual value of not less than twenty-five pounds.

5.—At the first election of the said Local Board, Samuel Riles, of Chesterton House, Plaistow, in the Parish of West Ham, in the County of Essex, gentleman, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Samuel Riles, from illnes or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Alfred Robinson, of Plaistow, in the said Parish of West Ham, gentleman, shall perform such of the said duties as then remain to be performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property, in order to entitle them to vote at the said first election, shall be given to the said Samuel Riles, at Rokeby House, at Stratford, in the said Parish of West Ham,

Ham, or in case he shall refuse or be unable to receive the same, then to the said Alfred Robinson, also at Rokeby House, aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

SOWERBY BRIDGE.

Provisional Order for the Application of the Public Health Act to the District of Sowerby Bridge, in the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS the General Board of Health have, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Warley, in the county of York, (the number of the said petitioners exceeding thirty in the whole,) directed William Ranger, one of their Superintending Inspectors, to visit the said township, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied not only to so much of the said township of Warley, but also to so much of the several adjoining townships of Skircoat, Norland, and Sowerby as is included within the boundary described in the Schedule to this Order, being the same as the boundary marked by a pink line on the map accompanying the said further Report of the said William Ranger, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said several townships of Warley, Skircoat, Norland, and Sowerby as is comprised within the pink line on the plan annexed to the said further Report, referred to on that plan as "the boundary of the proposed district," and described in the Schedule to this Order annexed, and that the said district shall be called the Sowerby Bridge district.

2.—The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.

3.—One third in number of the persons so elected shall go out of office on the Twenty-fifth day of March in each year subsequent to that of the first election of the said Local Board.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—At

5.—At the first election of the said Local Board, Thomas Nicholl, Esquire, of Halifax, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Thomas Nicholl, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Thomas Wood, Esquire, of Hollins in Warley, shall perform such of those duties as then remain to be exercised or performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Thomas Nicholl, at the house of Mr. Thomas Sutcliffe, of Sowerby Bridge, grocer, or, in case he shall refuse or be unable to receive the same, then to the said Thomas Wood, at his house in Hollins in Warley.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of March, in the year of our Lord One thousand eight hundred and fifty-six.

(Signed) W. COWPER.

(L.S.)

Schedule to which this Order refers.

The following is the description of the boundary of the district of Sowerby Bridge referred to in the above Order:—

Commencing on the Skircoat side of Mearclough or Mearclough Bottom Bridge up and including the road to Clap Lane Bar; from thence up what was lately known as Clap Lane to the park wall of Henry Edwards, Esquire; along the under side of the said park wall on what was lately called Crow Wood Lane to the bottom of Pye Nest Walk; from thence to and on the back of Crow Wood House, including the wood or plantation attached thereto, to and including Upper Broad Gates; from thence up the east side of the Blackstone Edge turnpike road leading from Rochdale to Halifax, crossing the said road opposite to the small garden gate at or near to Upper Willow Hall, or Willow Field Lodge; from thence along the upper side of the field known as the Pump Field, and along the north and west sides of the next field as far as Barstow Lane, and from thence up and including Barstow Lane to Cote Hill, in the township of Warley; from thence along the south side of the turnpike road known as the Burnley Road to the top of the road at Friendly leading to Gate Head, then down to Gate Head, but not including Gate Head Farm House; from thence to Hill Top, then across the field and over the Rochdale Canal to the west end of the garden in the occupation of Mr. Richardson at Hollin's Mill; from thence to Hollin's Mill dam stones, including the whole of Hollin's Mills, and from the said dam stones, entering into the township of Sowerby, down the Calder Side to the division fence dividing property now or lately belonging to Messrs. Waterhouse, and the property of James Walton, Esquire; from thence along the said division fence to the end of the said James Walton's property, and along the south side of the said property to the property of the Lancashire and Yorkshire Railway Company; from thence by the fences dividing the lands of the said Railway Company; and from thence the boundary line is the east and south-east fence of the meadow belonging to Upper Bentley Royd Farm as far as Upper Bentley Royd, including the farm house and barn there, and from thence along and including the road to Quarry Hill; from thence

thence and including the road to Watson Mill past and including Watson Mill in the township of Norland; from thence including the road to Scar Head; from thence by the foot road to Harper Royd; from thence and including the road to Fall Lane Top; and from thence including Fall Lane to and including the said Mearclough or Mearclough Bottom Bridge, which said boundary is denoted by a pink line on the plan attached to the Second Report of William Ranger, Esquire.

MOSS-SIDE.

Provisional Order for the Application of the Public Health Act to the District of Moss-side, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Moss-side, in the parish of Manchester and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act, 1848, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens,

Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board in relation to such Report have been duly deposited, as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the township of Moss-side aforesaid as is included within the red line on the map accompanying the aforesaid Report of Mr. Rawlinson to the General Board of Health, dated February 1855, together with so much of the adjoining township of Withington as is surrounded by a blue line on the said map, the said boundary being more fully described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855, (18 & 19 Vict. c. 115.), the said General Board of Health do, by this Provisional Order, under the hand of the President of the said Board, and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Moss-side and Withington in the parish of Manchester, in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said district shall be called the "Moss-side District."

2.—The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.

3.—That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place.

4.—That every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

Public Health Supplemental Act.

5.—That, at the first election of the said Local Board, William Medcalf, of Heald Grove, Moss-side, Esquire, shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Medcalf, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Samuel Brooks, of Whalley Range, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Medcalf, at his residence, Heald Grove, Moss-side, or in case he shall refuse or be unable to receive the same, then to the said Samuel Brooks, at his residence, Whalley Range.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the Description of the Boundary of the district of Moss-side referred to in the above Order:—

This boundary will include the whole of the township of Moss-side, except the detached portion called Longsight, and will also include a portion of the township of Withington, coloured blue on the map accompanying the report of Mr. Rawlinson to the General Board of Health, dated February 1855. This portion of Withington, commencing at the northern end of Dog Kennel Lane, runs in an easterly direction along the southern side of Moss-grove to the north-western corner of a detached portion of the township of Moss-side abutting upon Moss-grove; thence in an easterly and southerly direction along the boundary of the township of Withington to the south-western corner of a paddock attached to a dwelling-house in the occupation of Mr. John Southam; thence in a westerly direction along the course of a small brook called the Clothes-field ditch, until such brook reaches Dog Kennel Lane; thence westerly along the before-mentioned brook to the boundary of Moss-side, and thence along the boundary of the said township to the point from which this description commences.

RUSHOLME.

RUSHOLME.

Provisional Order for altering the Boundaries of the District of Rusholme, in the County Palatine of Lancaster, as constituted for the Purposes of the Public Health Act, 1848.

General Board of Health.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Eleventh day of February 1851, the Public Health Act, 1848, has been duly applied to the Township of Rusholme, in the County Palatine of Lancaster.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act that the boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries not being the boundaries of the said Township so fixed as aforesaid, which might most advantageously be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Public Health Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas the alteration of the boundaries of the said District cannot be effected without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand and seal of office, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this present Order,—

1.—The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire area comprised within the boundary coloured red on the plan prefixed to the said further Report made by Mr. A. L. Dickens to the General Board of Health, and bearing date

date October 1855; and the parts within the said boundary shall be and constitute a district for the purposes of the said Public Health Act accordingly, under the name of the "Rusholme District."

2.—The present Local Board of Health for the time being for the district of Rusholme as originally constituted by the herein-before recited Order in Council shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District, and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board, but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Order in Council, dated the Eleventh day of February 1851.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

BISHOP AUCKLAND.

Provisional Order for altering the Boundaries of the District of Bishop Auckland, in the County of Durham, as constituted for the Purposes of the Public Health Act, 1848.

GENERAL BOARD OF HEALTH.

WHEREAS, by a Provisional Order of the General Board of Health, bearing date the 24th day of January, 1854, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1854, the said Public Health Act has been duly applied to the District of Bishop Auckland, in the County of Durham.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act, that the boundaries of the said District, as determined by the said Order, shall be altered, in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the alteration of the said boundaries

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said

said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the boundaries of the said District should be altered, as recommended by the said Superintending Inspector, but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board, and under the official seal of that Board, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force throughout a district comprising the existing District of Bishop Auckland, in the County of Durham, as constituted by the aforesaid Provisional Order, confirmed by the Public Health Supplemental Act, 1854, together with all such parts of the Township of Pollard's Lands as are situated within the boundary marked by the dotted line, described as "the Boundary of the proposed District," on the plan prefixed to the said Report made by Mr. Ranger to the General Board of Health, and which boundary is described at length in the Schedule to this Order annexed; and the said district shall be called the "Bishop Auckland" District.

2.—The present Local Board of Health for the time being for the district of Bishop Auckland, as originally constituted by the herein-before recited Provisional Order, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Provisional Order of the General Board of Health, dated the 24th day of January 1854,

 and

and confirmed by the aforesaid "Public Health Supplemental Act, 1854."

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the description of the boundary of the BISHOP AUCKLAND District, referred to in the preceding Order :—

The boundary of the District of Bishop Auckland, in the County of Durham (as marked by a dotted line drawn on the Plan of the said township, prefixed to the Report on Bishop Auckland, made by Mr. Ranger to the General Board of Health, dated 12th January 1854, and described on that Plan as the "Boundary of the proposed District"), commences at the centre of the Staindrop-road, and of a road leading from South Church and Etherley-green respectively, at their points of intersection with Cabin-gate; and the line follows the centre of the road running in a westerly direction, which forms the southern boundary of Cockton-hill Farm, belonging to Richard Bowser, Esq., up to the western side of a field on the north side of the aforesaid road, marked on the said Plan No. 1; then along the west fence of that field, in a northerly direction; then westerly along a portion of the south fence of a field, marked No. 2, and belonging to Richard Bowser, Esq.; then northerly, along a fence which forms the western boundary of fields, marked Nos. 2, 3, and 4, up to and across the road leading from Bishop Auckland to Etherley Grange, along a fence which forms the western boundary of two fields, marked Nos. 5 and 6, and belonging to Richard Bowser, Esq., up to a fence forming the south boundary of the Auckland and Weardale Railway; thence, still in a northerly direction, across such railway, and along a fence forming the western boundary of a field, marked No. 7, belonging to the Auckland and Weardale Railway Company, and along a fence forming the west boundary of a field, marked No. 8, up to the river Wear; then along the southern bank of the river Wear, up to the point where the river Gaunless falls into the said river; then along the western bank of the river Gaunless to the south-east corner of a field adjoining the river Gaunless aforesaid, belonging to Messrs. William, Luke, and Robert Seymour, commonly called "Penny Bat Field," and marked No. 9; thence, westerly, along a fence forming the south boundary of the said field, and across a road called the South Church-lane, leading from Bishop Auckland, to South Church; and along fences forming the south boundary of the fields, marked Nos. 10, 11, and 12, belonging to Richard Bowser, Esq.; and along a fence forming the south boundary of a field, marked No. 13, belonging to the Bishop of Durham; and into the road leading from Bishop Auckland to Cabin-gate; and thence, southerly, along the centre of such road to the first-mentioned point.

The

Public Health Supplemental Act.

The following is the description of Lands, being part of the Township of Pollard's Land, which are included in the District of Bishop Auckland, by Order :—

No. on Plan.	Late or Present Owners.	Late or Present Occupiers.	Description.
44	Thomas Peacock -	Himself - - - -	Skinnersgarth.
43	Ditto - - - -	Ditto - - - -	Paddock.
32	Ditto - - - -	Thomas Fletcher and others	Houses.
30	Ditto - - - -	— Cummins - - -	House and garden.
31	Margaret Easton - -	Margaret Easton and others	Cottages and garden.
29	Cuthbert Heron - -	Himself and others - -	House and gardens.
27	James Thompson -	John Proud - - -	House.
—	Ditto - - - -	Himself and others - -	Orchard and cottages.
33	Robert Mackenzie Hall	Adjutant Scott - - -	House and garth.
23	Bishop of Durham -	Ralph Powton - - -	Hedworth Close.
24	Rev. G. E. Green -	Himself - - - -	Parsonage house and gardens.
25	Ann Briggs - -	Herself and another - -	House, granaries, and stable.
26	Thomas Dawson - -	Robert Adamson and others	Cottages and gardens.
34, 35, 36	Rev. G. E. Green and others - -	James Thompson and Ralph Powton - -	Town fields.
37	William Trotter - -	William Humes, jun. - -	Grass fields.
38	Ditto - - - -	John Waggett - - -	Close of land.
39	Ditto - - - -	William Humes - - -	Grass field.
40	Auckland and Weardale Railway Company	Henry Stobart, Esq. - -	Part of Snail Croft.
42, 41	Ditto - - - -	Themselves - - -	Railway.
—	Richard Bowser - -	Thomas Sutton - - -	Tillage field. } now coloured blue.
—	Ditto - - - -	Josiah Jewett - - -	Three grass fields. } now coloured blue.
	And three portions of land marked by the names of William Trotter, William Gibbon, and George Maw, respectively.		

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

***

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons herein described deemed to be Pawnbrokers.

I. The following shall be deemed to be Persons using and exercising the Trade and Business of a Pawnbroker within the Meaning of the several Acts aforesaid, and subject and liable to all the Provisions and Regulations thereof in relation to Pawnbrokers, as well as the Persons who by or under the said Acts or any of them are declared or deemed to be Persons using or exercising the said Trade or Business; (that is to say,) every Person who shall keep a House, Shop, or other Place for the Purchase or Sale of Goods or Chattels, or for taking in Goods or Chattels by way of Security for Money advanced thereon, and shall purchase or receive or take in any Goods or Chattels, and pay or advance or lend thereon any Sum of Money not exceeding Ten Pounds, with or under any Agreement or Understanding, express or implied, or which from the Nature or Character of the Dealing may reasonably be inferred, that such Goods or Chattels may be afterwards redeemed or re-purchased on any Terms whatever.

Penalty on Persons declared or deemed to be Pawnbrokers not taking out proper Licences.

Penalties recoverable by summary Information.

II. If any Person by or under this Act or the several Acts aforesaid or any of them declared or deemed to be a Person using and exercising the Trade or Business of a Pawnbroker shall neglect or omit to take out the proper Licence in that Behalf he shall forfeit the Sum of Fifty Pounds, which shall be recoverable by Information before any Justice of the Peace in the Name of an Officer of Inland Revenue prosecuting for the same on behalf of Her Majesty; and in every Information or other Proceeding for the Recovery of such Penalty it shall be a sufficient Description of the Offence to charge that the Defendant did use and exercise the Trade and Business of a Pawnbroker without taking out a proper Licence in that Behalf; and upon the Conviction of such Defendant the like Proceedings shall be had for the levying of the Penalty or for the recording of such Conviction, and for the Appeal of the Defendant if he shall feel himself aggrieved thereby, as are provided by Law, and may be adopted with regard to any Penalty incurred under the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third:

Power to Justices to mitigate Penalties.

Provided always, that it shall be lawful for the Justice before whom any such Defendant shall be convicted to mitigate or lessen the said Penalty, if he shall think fit, to any Sum not less than One Fourth thereof; provided also, that any Proceeding authorized or directed by the said recited Acts or this Act to take place before a Justice of the Peace may, in *Scotland*, take place before the Sheriff of the County in which the Proceeding is instituted, or his Substitute; but no Appeal shall lie from the Judgment of any Sheriff to the Quarter Sessions

Sessions of the Peace, nor shall any other Appeal lie, save from the Judgment of the Sheriff Substitute to the Sheriff, whose Decision shall in all Cases be final, and not subject to Review.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XXVIII.

An Act to make further Provision for rendering Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children. [23d *June* 1856.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Decree against Parents for Support of Children in Reformatory Schools may be for Payment of weekly Sum, enforceable weekly.

I. In every Case in which any young Person in *Scotland* shall have been sent to a Reformatory or Industrial School or other similar Institution, under the Provisions of the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, "to "render Reformatory and Industrial Schools in *Scotland* more avail- "able for the Benefit of Vagrant Children," or under the Provisions of this Act, it shall be lawful for the Inspector of the Poor of the Parish which may be either in the first instance or ultimately liable for the Support of such young Person at such School or Institution, as well as for the Treasurer or other Officer thereof, to raise an Action against the Parents or Step-parents of such young Person or other Persons who may be liable for his or her Support, for Payment of a weekly Sum, to be applied to the Cost of Support and other

Expenses incurred or to be incurred by the Directors or other Managers of such School or Institution in regard to such young Person, and such Action may be brought in the Sheriff's Small Debt Court of the County in which the Order to send such young Person to such School or Institution was pronounced, or of the County in which the Defender in such Action may happen to reside; and it shall be lawful for the Sheriff before whom such Action, whether at the Instance of such Inspector or of such Treasurer or other Officer as aforesaid, is brought, to inquire into the Circumstances of the Party sued, and to pronounce Decree, with Warrant of Assessment and Pounding, for such weekly Sum as he shall think fit, not exceeding Five Shillings *per* Week, during the Period of the Continuance at such School or Institution of such young Person, or, in his Discretion, to dismiss the Action; and such Decree shall be held to be and shall have all the Effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week; and under the Warrant for Arrestment therein contained it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach not only the Wages due and payable to the Defender at the Date thereof, but also the Wages current for the Week or other Term or Period in the Course of which such Arrestment is executed; and the Inspector of the Poor recovering any such weekly Sums shall every Quarter of a Year pay over the Amount received by him to the Treasurer or other Officer of such School or Institution, and the same shall be imputed, *pro tanto*, in satisfaction of the Claim of the Directors or other Managers of such School or Institution against such Inspector in respect of such young Person; and such Managers or other Directors shall, once every Quarter of a Year, render to the Inspector of any Parish liable in Payment of Expenses incurred in respect of any young Person at their School or Institution an Account of the Sums claimed by them in respect of such young Persons for the Quarter immediately preceding.

Young Persons may be kept in Custody for Forty-eight Hours before pronouncing Order for Transmission to School.

II. Where any young Person falling within the Provisions of the First Section of the said recited Act shall be brought before any Sheriff, Magistrate, or Justice of the Peace, it shall be lawful for such Sheriff, Magistrate, or Justice of the Peace, when he sees fit, and before ordering the Transmission of such young Person to any such School or Institution as aforesaid, to pronounce an Order authorizing such young Person to be kept in Custody for such Period as he may deem necessary for Intimations and Inquiry, but not exceeding in any Case Forty-eight Hours, in the Poor's-house of the Parish or Combination within which such young Person was found, or where there is no such Poor's-house, or where it is at an inconvenient Distance, in such

such other Place of Custody, not being a Prison, as he may appoint, and to be again brought before him or any acting Magistrate or Justice of the Peace within such Period; and the Keeper of such Poor's-house shall be bound to receive and retain such young Person therein, providing him with sufficient Food; and any other Person whom such Sheriff, Magistrate, or Justice of the Peace shall authorize to take charge of such young Person shall, by virtue of such Authority, be entitled to keep him in Custody for the Period authorized and in the Place appointed as aforesaid, at such Charge as the Sheriff, Magistrate, or Justice of the Peace shall fix, and which the Inspector of the Poor of the Parish in which such Person was found shall in the first instance be bound to defray; and when such young Person shall, in pursuance of such Order as aforesaid, be again brought before any such Sheriff, Magistrate, or Justice of the Peace, such Sheriff, Magistrate, or Justice of the Peace may, if he sees fit, pronounce an Order for transmitting him or her to any such School or Institution, according to the Provisions of the said recited Act and this Act.

Where young Persons are brought up under any Police Act, Procedure may go on thereunder till Order for Transmission to School.

III. Where any such young Person as aforesaid brought before any Sheriff or Magistrate shall have been so brought, by virtue of the Provisions contained in any Local or General Police Act, on a Charge of Begging or Vagrancy, the said recited Act and this Act shall be held as incorporated in such Police Act to the Effect of enabling such Sheriff or Magistrate, sitting as Judges of Police, if he shall think fit, to pronounce, in the Form of the Schedule (A.) to this Act annexed, an Order for transmitting such young Person to any such Reformatory or Industrial School or other Institution as aforesaid, instead of any Sentence which under such Police Act it would have been competent for him to pronounce; all the Powers of Apprehension and Detention provided for Cases of Begging or Vagrancy being hereby reserved in full Force and Effect, with reference to such young Person, till Liberation upon Caution in Terms of the said recited Act and this Act, or in failure thereof till the pronouncing of such Order of Transmission as aforesaid.

Inspector may recover, notwithstanding no previous Notice of Chargeability.

IV. Where the Inspector of the Poor of any Parish liable in the first instance for the Support of any such young Person as aforesaid shall have incurred any Expense or made any Payment in respect of the Custody of such Person as aforesaid before the pronouncing of an Order for transmitting him or her to a Reformatory or Industrial School or other similar Institution, or shall have made any Payment towards the Support of such young Person in such School or Institution, such Inspector shall be entitled to sue for the same the Inspector of the Parish ultimately liable for the Support of such young Person, notwithstanding that no previous Notice of Chargeability

ability may have been given; provided always, that within Eight Days after any such Payment shall have been made or any such Expense shall have been incurred due Notice thereof shall have been given to the Inspector of the Parish so ultimately liable.

Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.

V. Where Security for the good Behaviour of any such young Person as aforesaid, in Terms of the Provisions of the First Section of the said recited Act, shall, whether before or after the pronouncing of an Order for transmitting him or her to any such School or Institution, be offered by any Person, other than his or her Parent or Guardian, or nearest surviving Relative, or the Inspector of the Poor of any Parish which may be ultimately liable for his or her Support, and in which there shall have been established by the Parochial Board thereof a Reformatory or Industrial School, sanctioned under the said recited Act, it shall be lawful for the Sheriff, Magistrate, or Justice of the Peace before whom such Security is offered, to inquire into the Way in which such young Person is to be disposed of, and the Means to be provided for his Up-bringing; and if he shall not be satisfied with the Result of such Inquiry, it shall be lawful for him, in his Discretion, to refuse to receive the Security so offered: Provided always, that when Security shall be received from any Inspector, the Amount thereof shall be restricted to the minimum Sum prescribed by the said recited Act.

Power to discharge from School before Expiry of Period of Attendance.

VI. It shall be lawful for any Sheriff, Magistrate, or Justice of the Peace, on the Application of the Directors or Managers of any School or Institution to which any such young Person may have been transmitted, under the Provisions of the said recited Act or of this Act, or of the Inspector of the Poor of the Parish in the first instance or ultimately liable for his or her Support, if satisfied that a suitable Opening of Employment for him has occurred, or if he shall otherwise see Cause, to discharge such young Person from such School or Institution before the Expiry of the Period for which he may have been sent there.

Local Reformatories may receive Youthful Offenders and Vagrant Children.

VII. Where in any City, Town, or Place, there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for Youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the said recited Act or this Act, or the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Eighty-six, "for the better Care "and Reformation of Youthful Offenders in *Great Britain*," or the Act of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter

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Chapter Eighty-seven, to amend the said recited Acts, or under any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

VIII. Instead of the Schedules (A.) and (B.) to the said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, annexed, the Schedules (A.) and (B.) to this Act annexed shall respectively be substituted and used.

New Schedules substituted for those in 17 & 18 Vict. c. 74.

IX. The Inspector of the Poor of the Parish in which any young Person brought before any Sheriff, Magistrate, or Justice of the Peace, under the Provisions of the said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, has been found, is hereby declared to be and shall be deemed the Inspector of the Poor to whom Intimation is by the First Section thereof directed to be made: Provided always, that when the Parent or Parents of such young Person shall be stated by him or her to reside in an immediately adjoining Parish, Intimation shall also be made to the Inspector of the Poor of such Parish.

Inspector of Poor deemed the Inspector to whom Intimation is to be made.

X. No Reformatory or Industrial School or other similar Institution shall hereafter be sanctioned or certified under both of the said recited Acts, Chapters Seventy-four and Eighty-six, of the Seventeenth and Eighteenth Years of Queen *Victoria*.

Schools not to be certified both under cc. 74. and 86. of 17 & 18 Vict.

XI. The said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, and this Act, may respectively be cited for all Purposes as "The Reformatory Schools (*Scotland*) Act, 1854," and "The Reformatory Schools (*Scotland*) Act, 1856."

Short Titles.

SCHEDULES.

SCHEDULE (A.)

At the Day of

I *A.B.* [Sheriff, *or* Magistrate, *or* Justice of the Peace of *as the Case may be*], under the Powers of the Reformatory Schools (Scotland) Acts, 1854 and 1856, hereby order that *C.D.*, apparently of the Age of Years, be taken to the School at , thereat to remain, under the Powers and Provisions of the said Acts, for the Period of , or until he be discharged therefrom, or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE (B.)

I [*or* We] [*name and design the Cautioners*] do hereby judicially enact myself [*or* ourselves] in the Books of the Court at , and bind and oblige myself [*or* ourselves], and my [*or* our] Heirs, Executors, and Successors, jointly and severally, under the Penalty of , payable to and recoverable by the Procurator Fiscal of Court for the Time being, for the good Behaviour of *C.D.*, and especially that he shall not commit any Offence, nor resort to common Begging, nor be found wandering being without any settled Place of Abode or proper Guardianship, and that for the Period of Calendar Months, all in Terms of the Reformatory Schools (Scotland) Acts, 1854 and 1856.

Subscribed by me [*or* us] at this Day of before these Witnesses, *E.F.* and *G.H.* [*designing them respectively*].

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CAP. XXIX.

An Act to extend the Powers of the Trustees and Director of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public. [23d *June* 1856.]

WHEREAS Pictures and other Works of Art acquired for the National Gallery by Purchases out of Monies granted by Parliament, and by Bequests and Donations, have been placed under the Care and Ordering of Trustees and a Director (appointed by the Commissioners of Her Majesty's Treasury for that Purpose): And whereas it is expedient that Power should be given to dispose of such of the Pictures and other Works of Art under the Care and Ordering of the said Trustees and Director as they may adjudge to be unfit or not required for a National Collection, and that Pictures and other Works of Art given to or for the Benefit of the Nation should, where no other Provision is made by the Donors, vest in and be under the Care and Ordering of the said Trustees and Director: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Trustees and Director of the National Gallery, or any Three or more of them, of whom the Director shall be one, present at

Pictures, &c. unfit to be preserved in

the National Gallery may be sold.

at any Meeting specially assembled for that Purpose, by Fourteen Days previous Notice, may from Time to Time, with the Consent in Writing of the Commissioners of Her Majesty's Treasury, order that any of the Pictures and Works of Art for the Time being under the Care of the said Trustees and Director, which have not been bequeathed or given to or for the Benefit of the Nation, and which the Trustees and Director, or any Three or more of them, as aforesaid, may adjudge to be unfit for or not required as Part of the National Collection, be sold by Public Auction, and a detailed Account of the Monies arising therefrom shall be laid before Parliament in the annual Report of the Trustees and Director; provided, that if it shall be deemed fit by the Authorities aforesaid, with such Consent as aforesaid, to sell any Pictures which were not given or bequeathed to or for the Benefit of the Nation, but which have become Part of the National Collection, and as such been exhibited in the National Gallery, Copies of the Order to make such Sale, and of such Consent thereto, shall be laid on the Table of both Houses of Parliament Six Weeks previously to such Sale.

Proceeds of Sale.

II. The Receipt of the Person authorized by the said Trustees and Director to sell such Pictures and Works of Art shall be a sufficient Discharge for the Money arising from such Sale, and such Money shall be paid over by the Person receiving the same into the Exchequer, and shall become Part of the Consolidated Fund of *Great Britain* and *Ireland*.

Pictures given to the Nation to vest in the Trustees and Director.

As to the Disposal of such Pictures as are bequeathed and not added to National Collection.

III. All Pictures and Works of Art which have already been or may hereafter be from Time to Time given or bequeathed to the Public or to the Nation, or given or bequeathed by Words showing an Intention that the Gift or Bequest should enure to or for the Benefit of the Public or the Nation, shall (unless the Donor or Testator shall have made other Provision for the Care thereof) vest in and be under the Care and Ordering of the said Trustees and Director of the National Gallery; provided, that in each Case of Bequest the said Trustees and Director may select such of the Pictures and Works of Art so bequeathed as they may deem fit to become Part of the National Collection, and the Remainder of the Pictures and Works of Art comprised in such Bequest, unless otherwise disposed of by any Testamentary Provision, shall become Part of the Residuary Estate of the Testator.

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CAP. XXX.

An Act to settle an Annuity on Sir *William Fenwick Williams*, in consideration of his eminent Services. [23d *June* 1856.]

Most Gracious Sovereign,

WHEREAS Your Majesty, by Your most Gracious Message, hath been pleased to signify that Your Majesty, being desirous of conferring a signal Mark of Your Favour and Approbation on Major General Sir *William Fenwick Williams*, K.C.B., for the eminent and distinguished Services rendered by him as Your Majesty's Commissioner at the Head Quarters of the *Turkish* Army in *Asia*, and particularly in the gallant Defence of *Kars*, recommended to us to enable Your Majesty to make Provision for securing to Sir *William Fenwick Williams* a Pension of One thousand Pounds *per Annum* for the Term of his natural Life: Therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, duly considering Your Majesty's Gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Com-

 mons,

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

An Annuity of 1,000*l.* to be paid to Sir W. F. Williams, Bart., during his Life.

I. That an Annuity of One thousand Pounds shall be paid to Sir *William Fenwick Williams*, Baronet, K.C.B., for the Term of his natural Life, and the said Annuity shall be deemed to have commenced and taken effect from the Eighth Day of *May* One thousand eight hundred and fifty-six, and the First Payment of a proportionate Part thereof, for the Period from such Commencement to the Fifth Day of *July* One thousand eight hundred and fifty-six, shall be made on the said Fifth Day of *July* One thousand eight hundred and fifty-six; and such Annuity shall thereafter be paid quarterly, (that is to say,) on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in every Year, and shall issue and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and the Receipt of the said Sir *William Fenwick Williams*, or of such other Person as shall be duly authorized and appointed by him to receive such Annuity or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said Annuity shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

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Act of Parliament, &c.

Endowment, or otherwise regulating any College or Hall, in respect of which any such Power may be exercised, in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections Twenty-eight and Twenty-nine.

Statutes approved under the Act may be amended during the Continuance of the Commission.

II. It shall be lawful for any College of or in relation to which any Regulation, Ordinance, or Statute shall have been approved by Her Majesty in Council under Section Thirty-six of the said Act, from Time to Time, with the Approval of the Commissioners, and during the Continuance of their Powers under the said Act, to amend or alter such Regulation, Ordinance, or Statute, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council and all other Conditions and Provisions as are imposed by the Act in relation to the making of the original Regulation, Ordinance, or Statute.

Canonries of Christ Church to be deemed College Emoluments.

III. The Canonries of *Christ Church* in *Oxford* which are not annexed by Law or Custom to any Professorship or Archdeaconry shall be deemed College Emoluments within the Meaning and for the Purposes of the said Act.

Power to sever Benefices from Headships of Colleges, &c.

IV. Where any Benefice with Cure of Souls is annexed to the Headship of a College or Hall, or where any Advowson is held in trust for the Head of such College or Hall, it shall be lawful for the College, or, where the Annexation or Trust affects the Headship of a Hall, for the University (at any Time during the Continuance of the Commission), without Prejudice to any existing Interest of any Member of such College or Hall, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make a Statute or Statutes for putting an end to such Annexation or Trust and for selling the Advowson of the Benefice so annexed or the Advowson so held in trust, or, if it be thought fit in the Case of a College, for adding such Advowson to those in the Patronage of the College, and for making, out of the College Revenues, or in the Case of a Hall out of the Proceeds of the Sale or the Investment of such Proceeds, adequate Compensation to the Head for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power by Writing, under their Common Seal, to approve of or reject the same, or to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

Elections to Emoluments may be suspended on

V. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners

missioners that it would be advisable, for the Purposes of the said Act, to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly, for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

the Application of the University or College.

VI. All Regulations, Ordinances, and Statutes framed by the Commissioners under Section Thirty-six of the said Act shall be subject to all the Conditions and Provisions contained in the said Act in relation to Regulations, Ordinances, or Statutes framed by the said Commissioners under the other Powers thereby conferred on them.

Regulations, &c. under Section 36. of the said Act to be subject to Provisions as to Regulations, &c. framed by Commissioners.

VII. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, and of the *Oxford* University Act, 1854, so far as relates to Land within One Mile and a Half of *Carfax* in the City of *Oxford* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

Certain Parts of 8 & 9 Vict. c. 18. incorporated herewith.

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Whichwood Forest.

The Commissioners may allot Parts of Purlieu Coppices or Wastes to the Crown, in Exchange for Portions of the Forest.

II. The Commissioners may by their Award allot to Her Majesty, Her Heirs, Successors, and Assigns, any Parts of the Purlieu Coppices or Purlieu Wastes belonging to The Lord *Churchill*, adjoining to the Forest, in Exchange for any Lands, Portion of the Forest; and the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty shall thenceforward be free from all Rights of Common and other Rights, of what Nature or Kind soever, and if any Rights of Common or other Rights attached to the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty such Rights shall after such Allotment attach to the Forest Lands allotted in lieu thereof; but no such Allotment by way of Exchange shall be made by the Commissioners without the Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, acting on the Part of Her Majesty, Her Heirs and Successors, and also the Consent of the Persons having such Interest in the Soil of the Purlieu Coppices or Purlieu Wastes so to be allotted in Exchange as would render them Persons interested in Land within the Definitions contained in "the Acts for the Inclosure, Exchange, and Improvement of Land."

Commissioners may set out Purlieu Wastes as Common Fields, and exonerate The Lord Churchill's Allotment of Forest Land as Compensation.

III. The Commissioners may, with the Consent of The Lord *Churchill* in the said Act mentioned, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "*Whichwood* Disafforesting Act, 1853," allot and set out as Common Fields, for the exclusive Pasturage of the Commonable Cattle and Sheep of Persons having Rights of Common and Sheepwalks respectively over the said Forest, any Parts of the Purlieu Wastes and Purlieu Coppices of which The Lord *Churchill* is Owner of the Soil, making to The Lord *Churchill* adequate Compensation in respect of such Allotment of exclusive Pasturage, by exonerating from Rights of Common all or any Portion of the Forest Land allotted to The Lord *Churchill* by virtue of the Powers conferred on the Commissioners by the Seventh Section of the "*Whichwood* Disafforesting Act, 1853;" but such Allotment of Purlieu Lands as Common Fields shall not affect The Lord *Churchill*'s Title or Claim to the Ownership of the Soil of such Purlieu Lands.

Commissioners may transfer Rights of Common, &c. to other Portions of Lord Churchill's Lands.

IV. The Commissioners may, if they shall deem it expedient, for the Convenience of the Commoners, and with the Consent of The Lord *Churchill*, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "*Whichwood* Disafforesting Act, 1853," by their Award exonerate any Lands within the Purlieus adjoining to the said Forest whereof The Lord *Churchill* now is or by virtue of the Allotments to be made by the Commissioners Award may become Owner, or any Lands within the said Forest whereof the said Lord *Churchill* by virtue of the Allotments

to

to be made under the said Award may become Owner, from any Rights of Common or other Rights, and place such Rights of Common or other Rights upon any other Lands whereof the Lord *Churchill* now is or by virtue of the Allotments made by the Commissioners Award may become Owner, and the Declaration of the said Commissioners to this Effect in their Award shall be valid and effectual for this Purpose, and binding upon all Parties.

As to what Portion of the Forest shall constitute the Parish of Whichwood.

V. The said Commissioners shall by their Award determine whether the whole or what Portion or Portions of the said Forest shall constitute the Parish of *Whichwood*, and shall fix the Boundary of such Parish, and their Decision as regards such Boundary shall be final.

Roads may be set out without being made.

VI. It shall not be obligatory on the said Commissioners to cause all or any of the Roads or Ways which, in pursuance of the said *Whichwood* Disafforesting Act, 1853, they may set out and allot, either to be made or fenced; and the Award of the said Commissioners alone shall be sufficient and conclusive Evidence that all Roads and Ways therein mentioned to be set out and allotted have been duly and properly set out and allotted, and that all such Roads so set out and allotted, and therein mentioned to have been made and fenced by the said Commissioners, have been duly and properly made and fenced.

Commissioners empowered to sell Land to defray Expenses.

VII. It shall be lawful for the said Commissioners, at their sole Discretion, to sell so much and such Part or Parts of the said Forest, or of the Purlieus thereof, belonging to The Lord *Churchill*, as they shall think necessary, to raise a Fund sufficient to defray such Costs, Charges, and Expenses as they shall determine to have been properly incurred by them or on their Behalf in carrying out the Provisions of this Act, for which Purpose their Conveyance shall vest an indefeasible Estate of Inheritance in the Purchaser or Purchasers; and the Receipts in Writing of the said Commissioners, or any Two of them, shall be a sufficient Discharge for all Purchase Monies; and no Purchaser shall be bound to inquire as to the Propriety of any such Sale; and the said Commissioners shall, by and out of such Fund, after retaining to their own Use a Sum not exceeding Five hundred Pounds for the Time and Labour bestowed by them in carrying this Act into execution, pay all such Costs, Charges, and Expenses, and shall pay the Surplus (if any) to the said Commissioners of Woods, Forests, and Land Revenues, as Part of the Land Revenues of Her Majesty.

VIII. Subject

16 & 17 Vict. c. 36. as amended by this Act to remain in force.

VIII. Subject to the Provisions herein contained, all and every the Provisions of the said *Whichwood* Disafforesting Act, 1853, shall remain in force, and as if this Act had not been passed.

Short Title.

IX. It shall be sufficient for all Purposes to cite this Act as "The *Whichwood* Disafforesting Amendment Act, 1856."

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Insurance on Lives (Abatement of Income Tax) Continuance.

16 & 17 Vict. c. 91. continued until 5th July 1857.

I. The said first-mentioned Act so amended as aforesaid shall be and the same is hereby continued in force until and upon the Fifth Day of *July* One thousand eight hundred and fifty-seven.

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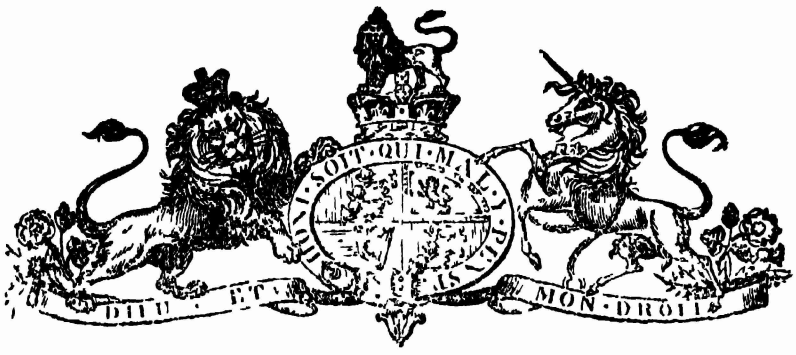

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CAP. XXXIV.

An Act to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters.

[30th *June* 1856.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, certain Duties of Excise on Malt, and certain Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, were granted and made payable respectively in lieu of all other Duties, Allowances, and Drawbacks of Excise on Malt payable under any Act or Acts in force, to continue and be charged and paid during the then present War, and until and upon the Fifth Day of *July* next after the Ratification of a Definitive Treaty of Peace, and no longer; and it was by the said Act provided, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of the said Act, should revive, 17 & 18 Vict. c. 27.

revive, and be charged and allowed respectively in lieu of the Duties, Allowances, and Drawbacks by the said recited Act granted upon or in respect of Malt: And whereas a Definitive Treaty of Peace has been recently signed and ratified, and by reason thereof the said Duties granted by the said recited Act on Malt will cease immediately after the Fifth Day of *July* One thousand eight hundred and fifty-six; and it is expedient to grant an Allowance on the Stock of Malt which will then be in the Possession of the Malt Traders hereinafter mentioned in respect of the Duties paid or charged thereon under the said recited Act in Excess of the Duties which will be payable on Malt after the said Fifth Day of *July* One thousand eight hundred and fifty-six; and it is also expedient to alter and regulate the Allowances and Drawbacks of Excise on Malt which will revive and become payable after the said last-mentioned Day: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to the Term "Malt Trader."

I. The Term "Malt Trader" used in this Act shall be deemed to mean and include every Maltster or Maker of Malt for Sale, and every Dealer in or Seller or Retailer of Malt, and every Roaster of Malt, licensed Brewer, and Vinegar Maker.

As to Allowances granted to Malt Traders on Malt in Stock.

II. There shall be paid or allowed to every Malt Trader for all dry unground Malt produced to and taken account of by the proper Officer of Excise, and the Quantity thereof ascertained in manner herein-after mentioned, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six, both Days inclusive, as the Stock and in the Custody and Possession of such Malt Trader, and for which the Duties under the said recited Act shall have been paid or charged, the several Allowances and Sums of Money following; (that is to say,)

For every Bushel of such Malt made in *England* from Barley or any other Corn or Grain, One Shilling and Threepence Halfpenny:

For every Bushel of such Malt made in *Scotland* or *Ireland* from Barley or any other Corn or Grain, except Bear or Bigg, One Shilling and Threepence Halfpenny:

And for every Bushel of such Malt made in *Scotland* or *Ireland* from Bear or Bigg only, without any Mixture of Barley or any other Corn or Grain therewith, One Shilling.

Deduction to be made from Brown or Black Malt for the Swell

III. Provided always, That from the Quantity ascertained by Gauge or Measurement of all Brown or Porter Malt and roasted or Black Malt there shall be deducted Twenty per Cent. for the Swell and Increase thereof over the Quantity of such Malt charged with Duty, but

but if such Malt shall be screened and cleaned it shall be lawful for the Commissioners of Inland Revenue to make such less Rate of Deduction as shall appear to them to be reasonable and just in consideration of the Combing and Dust taken out by such Screening, and from all other unscreened Malt there shall be deducted Seven and a Half *per Cent.*, and the said Allowance by this Act granted shall be computed and paid or allowed only on the remaining Quantity of such Malt after making such Deductions respectively as aforesaid.

thereof, and from all unscreened Malt.

IV. All Malt in respect of which any such Allowance as aforesaid shall be claimed shall be previously completely dried and finished, and every Malt Trader who shall claim to be entitled to any such Allowance shall give Notice in Writing to the proper Officer of Excise Two Days previously to the Third Day of *July* One thousand eight hundred and fifty-six of his Name and Place of Abode, and the Description of Business carried on by him as a Malt Trader, and also of the particular House or Place where any such Malt in respect of which he intends to claim any such Allowance shall be kept or deposited, and whether such Malt is screened or unscreened; and he shall also before the said Third Day of *July* One thousand eight hundred and fifty-six place all such Malt in such Form as shall enable the Officer of Excise conveniently to gauge the same and ascertain the Quantity thereof; but in case any Corn or Grain which shall be in operation for the making thereof into Malt at any Time between the said Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively shall be actually made into Malt, dried, and finished before the Time when the Officer of Excise shall first take an Account of the dry unground Malt in the Stock of such Malt Trader, then and in such Case such Malt Trader shall be entitled to claim such Allowance as aforesaid in respect of such Malt upon giving previous Notice in Writing to the proper Officer of Excise by the Space of Twelve Hours of his Intention to make such Claim, specifying the Quantity of such Malt, and the Place where the same shall be deposited, and whether such Malt is screened or unscreened, and such Malt Trader shall place and keep all such Malt separate and apart from all other Malt, and in such Form as shall enable the Officer conveniently to gauge the same and take an Account thereof; and if any Malt Trader shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Malt in his Stock, Custody, or Possession: Provided always, that if from any inevitable Accident or unforeseen Circumstance any Malt Trader shall be prevented from receiving into his Stock before the said Third Day of *July* One thousand eight hundred

Regulations to be observed by Malt Trader on claiming Allowance.

hundred and fifty-six, and in Time to enable him to comply with the Regulations herein-before contained, any Malt which shall have been delivered to any Common Carrier to be conveyed to such Malt Trader for the Space of Seven Days previously to the said last-mentioned Day, it shall be lawful for the Commissioners of Inland Revenue, upon Proof of the Facts to their Satisfaction, and upon being satisfied that no Fraud has been committed or intended with regard to such Malt, to grant to such Malt Trader the proper Allowance in respect thereof, under and subject to such Regulations and Directions as they shall think proper to make or give in that Behalf.

Position of Malt not to be altered or removed until an Account be taken of the Quantity.

V. After any Malt in respect of which any such Allowance may be claimed shall have been placed in such Form as is directed by this Act, no Malt Trader shall on any Pretence whatever alter the Position thereof, or remove or send away such Malt or any Part thereof from the House or Place in which the same shall have been gauged until after the Fifth Day of *July* One thousand eight hundred and fifty-six, and after the Officer shall have gauged or measured the same and taken his Account thereof, upon pain of forfeiting the Sum of Two hundred Pounds for any Breach of the Prohibition in this Clause contained.

Brewer may make use of Malt on giving Notice and the Officer taking an Account thereof.

VI. Provided always, That if any licensed Brewer shall be desirous of making use of any such Malt after the same shall have been placed in such Form as aforesaid, and shall give to the proper Officer of Excise previous Notice in Writing by the Space of Twenty-four Hours of his Intention to make use of any such Malt, so that the Officer may attend and take an Account thereof, specifying in such Notice the Quantity so intended to be used, such licensed Brewer shall be at liberty to make use of such Quantity of his Malt in respect of which he shall claim any such Allowance without being liable to any Penalty or Forfeiture in that respect, so as the Residue of such Malt shall be left unaltered and in such Form and Position as to enable the Officer to gauge the same and ascertain the Quantity thereof in the Manner herein-before directed.

Officer may enter Premises to examine and take Account of Malt on which Allowance is claimed.

VII. It shall be lawful for any and every Officer of Excise at his free Will and Pleasure at any Time or Times in the Daytime, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively, or at any Time during the Space of Three Days after the Officer shall have first gauged and taken his Account of any such Malt, to enter and go into every House or other Place where any such Malt in respect of which any such Allowance shall be claimed shall be put or deposited, and to inspect and examine such Malt, and take a true and particular Account, and ascertain the exact Quantity thereof by Gauge or Measurement; and if any Person shall prevent, obstruct, or hinder any Officer of Excise from entering or going into any

Penalty for obstructing Officer in

any such House or other Place, or from inspecting or examining such Malt, or taking such Account, or ascertaining the Quantity thereof as aforesaid, or in the Execution of any of the Powers or Authorities to such Officer given by or under this Act, or if any Person shall mix or lay under, with, or amongst any such Malt any Barley, or undried Malt, or any unmalted Corn or Grain, or any Maltdust or Combings or other Thing, with Intent to increase the Quantity or apparent Quantity of such dried unground Malt, or if any Person shall bring or receive into, or put or place with his Stock, any Malt which has been before taken an Account of under this Act, or any Malt of or belonging to any Person not being a Malt Trader within the Meaning of this Act, or if any Person shall make use of or practise, or cause to be made use of or practised, any Art, Contrivance, or Device whatever whereby any Officer of Excise may be obstructed in gauging, taking an Account of, or ascertaining the true Quantity of such dried unground Malt, or may be deceived therein, or whereby Her Majesty may be defrauded, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Two hundred Pounds; and all Malt which shall be found by any Officer of Excise so mixed as aforesaid, or under, with, or amongst which any Barley, or undried Malt, or unmalted Corn or Grain, or any Maltdust or Combings or other Thing, is found to be laid or placed, with Intent to increase the Quantity or apparent Quantity of Malt dried and unground, or by which Her Majesty may be defrauded, and all Malt which shall be brought or received by any Malt Trader into or put or placed with his Stock, such Malt having been before taken an Account of under this Act, or not belonging to some Malt Trader, shall be forfeited, and may be seized by any Officer of Excise.

taking Account, &c., or for committing Fraud with regard to Malt on which Allowance is claimed.

Forfeiture of Malt fraudulently mixed.

VIII. Every Malt Trader who shall claim any Allowance under this Act in respect of Malt in his Stock, Custody, or Possession shall with his Servants and Workmen, whenever thereto required by any Officer of Excise, aid and assist such Officer in such Manner as he shall require for the better enabling him to examine, gauge, or measure, and take an Account of all or any such Malt, upon pain of forfeiting the Sum of Two hundred Pounds for any Neglect or Refusal to aid and assist such Officer in manner aforesaid.

Malt Trader to assist Excise Officer to enable him to examine and take Account of Malt on which Allowance is claimed.

IX. When and so soon as such Account shall have been finally taken of the Malt belonging to any Malt Trader, and the Quantity thereof ascertained as aforesaid, the proper Officer of Excise in that Behalf shall with all convenient Speed give to the Malt Trader entitled to the Allowance in respect of such Malt a Certificate expressing the true Quantity of the Malt for which he shall be entitled to such Allowance, and the Amount of such Allowance, and specifying the

Certificate of the Quantity of Malt, and Amount of Allowance to be given to the Malt Trader.

the Name and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him as such Malt Trader.

On Production of Certificate to the proper Collector, and Declaration made as to certain Particulars, the Sum specified in the Certificate to be paid in manner herein mentioned.

X. On the Production of such Certificate by such Malt Trader or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Malt Trader before a Justice of the Peace or such Collector that such Malt Trader believes that all the proper Duties of Excise have been paid or charged for or in respect of the whole Quantity of the Malt specified in such Certificate, and that the said Malt, or any Part thereof, hath not been taken account of for the Purpose of obtaining such Allowance more than once, or in any Place save and except in the Stock, Custody, or Possession of the Person making the said Declaration, and claiming the Allowance in respect of such Malt, and that the whole Quantity of the said Malt of the respective Kinds mentioned in such Certificate was at the Time therein specified in his Custody and Possession, and was the sole Property of the said Person, or was held by him as the Property of and for the Use of some other Malt Trader, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Malt or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, such Collector as aforesaid being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the Malt Trader entitled to the same, or to his Agent, the Sum of Money specified in such Certificate, by Four equal Instalments, on the usual sitting Days, commencing on the Twenty-fifth Day of *August*, the Thirteenth Day of *October*, and the Twenty-fourth Day of *November* in the Year One thousand eight hundred and fifty-six, and the Twelfth Day of *January* One thousand eight hundred and fifty-seven: Provided always, that the Sum of Money specified in such Certificate as aforesaid may be deducted by such Instalments as aforesaid from any Duties of Excise which may be due and payable by the Malt Trader entitled to the said Sum of Money at the several Times herein-before appointed for Payment of the said Instalments.

Penalty for forging Certificate or uttering a forged or false Certificate.

XI. If any Person shall forge or counterfeit or cause to be forged or counterfeited any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall alter or erase or cause to be altered or erased any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner utter any such Certificate knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such

such Certificate or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds.

Malt in operation to be charged only with the Rate of Duty payable after 5th July 1856.

XII. All Corn or Grain in operation for the making thereof into Malt by any Maltster or Maker of Malt for Sale at the Time when the Officer of Excise shall take an Account of the dry unground Malt in the Stock, Custody, or Possession of such Maltster or Maker of Malt under or by virtue of this Act, shall be chargeable only with such Rate of the Duties of Excise as will be payable in respect of Malt of the like Description made after the Fifth Day of *July* One thousand eight hundred and fifty-six, provided such Corn or Grain which shall be actually dried, finished, and made into Malt by such Maltster or Maker of Malt after such Officer shall have taken such Account as aforesaid, and before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall be kept separate and apart from all other Corn, Grain, or Malt until the said last-mentioned Day, and that it be produced to the Sight of the proper Officer of Excise in order that he may take an Account, and ascertain the true Quantity thereof, if he shall think fit so to do, at any Time on or before the said last-mentioned Day, and that no Allowance be claimed or made by virtue of this Act in respect thereof.

Malt Traders having contracted for the Sale of Malt to abate from the Price and allow to the Purchaser the Amount of Allowance or Remission of Duty obtained in respect of such Malt.

XIII. And whereas Malt Traders may have made Sales or Deliveries, or Contracts or Agreements for the Sale or Delivery, of Malt as Malt in respect of which the Rates of the Duties of Excise chargeable before the Sixth Day of *July* One thousand eight hundred and fifty-six were paid or charged, but for which, as Part of the Stock of such Malt Traders, the Allowance under this Act may be made thereon, or such Malt may be charged only with the reduced Rate of Duty on Malt payable after the Fifth Day of *July* One thousand eight hundred and fifty-six, and it is reasonable that Provision should be made for the Relief of the Buyers of such Malt so far as the Amount of the Duty hereby allowed or remitted formed a Part of the Price of the Malt so sold or delivered, or for which such Contracts or Agreements have been made: Be it therefore enacted, That every Malt Trader who shall have sold or delivered, or contracted or agreed to sell or deliver, any Malt in respect of which any Allowance or Remission of Duty is granted by or under this Act, and which Malt was so sold or delivered or contracted or agreed for as Malt which had paid or been charged with the full Duties of Excise on Malt payable before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall abate and deduct, and if the Purchase Money has been paid shall refund and return to the Buyer of such Malt, from the Price for which such Malt was so sold or delivered, or

or contracted or agreed for, the whole of the Allowance or Remission of Duty granted by this Act, and received by or remitted to the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of such Allowance or Remission of Duty as Money had and received to the Use of the Buyer of such Malt; and no Action or Suit at Law or in Equity shall be brought or be maintainable against the Buyer of any such Malt by any Malt Trader, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance or Remission of Duty granted by this Act, and so received by or remitted to such Seller; and all Proceedings brought or instituted for the Recovery thereof shall be null and void to all Intents and Purposes whatsoever.

Excise Duty on Sugar used in brewing Beer to cease after 5th July 1856, and to be re-imposed after 5th April 1858.

XIV. And whereas by an Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, a Duty of Excise at the Rate of Three Shillings and Ninepence *per* Hundredweight was granted and imposed upon Sugar used in the brewing or making of Beer, such Rate of Duty, together with the Duties of Customs on Sugar, being deemed to be an Equivalent for the increased Rate of Duty of Excise granted by the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign on the Malt for which such Sugar might be substituted in the brewing or making of Beer, and which said increased Rate of Duty on Malt will cease and determine after the Fifth Day of *July* One thousand eight hundred and fifty-six: Be it therefore enacted, That from and after the Fifth Day of *July* One thousand eight hundred and fifty-six, the said Duty of Excise granted and imposed by the said last-mentioned Act on Sugar used in the brewing or making of Beer shall also cease and determine until the Fifth Day of *April* One thousand eight hundred and fifty-eight; and inasmuch as the Duties of Customs on Sugar will then cease to be an Equivalent for the Duty on Malt when such Sugar is used in the brewing or making of Beer, there shall be charged and paid on all Sugar so used after the said last-mentioned Day a Duty of Excise at the Rate of Two Shillings *per* Hundredweight over and above all other Duties of Excise or Customs.

As to Drawbacks on Exportation of Beer after 5th July 1856, and before 6th January 1858.

XV. And as to the Drawback upon the Exportation of Beer to Foreign Parts, be it enacted, That notwithstanding anything contained in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, the Rates of Drawback by the said Act granted, and specified and set forth in Schedule (B.) thereof, on Beer exported from any Part of the United Kingdom to Foreign Parts as Merchandise, shall continue to be allowed and paid in lieu of all other Drawbacks on such Beer in respect of all Beer brewed between the Eighth Day of *May* One thousand eight hundred and fifty-four and the

the Sixth Day of *July* One thousand eight hundred and fifty-six, and which shall be duly exported as aforesaid at any Time before the Sixth Day of *January* One thousand eight hundred and fifty-eight; and in respect of all Beer brewed at any other Time than as aforesaid, whensoever the same shall be so exported; and in respect of all Beer which shall be so exported at any Time after the Fifth Day of *January* One thousand eight hundred and fifty-eight, whensoever the same may have been brewed, the following Rates of Drawback shall be allowed and paid in lieu of all other Drawbacks on such Beer; (that is to say,)

As to Drawbacks on Exportation of Beer after 5th January 1858.

For and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity, of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the brewing of which Beer the Worts used before Fermentation were of the Specific Gravity herein-after mentioned, the following Rates of Drawback; (that is to say,)

If the Specific Gravity of the Worts was not less than—	Drawback per Barrel. £	s.	d.
1041°	0	4	1
1054°	0	5	5
1068°	0	6	9
1081°	0	8	1
1095°	0	9	6
1108°	0	10	10
1122°	0	12	2

XVI. Upon the Entry for Exportation of any Beer on which Drawback shall be claimed, the Specific Gravity of the Worts from which such Beer was made shall be ascertained and determined in the following Manner; (that is to say,) a definite Quantity by Measure of such Beer shall be distilled, and the Distillate and the Spent Beer respectively shall be made up with distilled Water each of them to the original Measure of the Beer before Distillation, and the Specific Gravities thereof respectively shall be then ascertained, and the Number of Degrees and Parts of a Degree of Specific Gravity by which such Distillate shall be less than the Specific Gravity of distilled Water shall be deemed to be the Degree of Spirit Indication of such Distillate, and the actual Specific Gravity of such Spent Beer added to the Degrees of original Gravity set forth in the Table contained in the Schedule annexed to this Act opposite to the Degree of Spirit Indication of the Distillate contained in the same Table shall be deemed to be the original Specific Gravity of the Worts from which such Beer was made before Fermentation; and for the Purposes

Mode of determining the original Specific Gravity of Worts from which Beer entered for Exportation was made.

aforesaid all the Weighings and Measurings that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, and at that Temperature distilled Water shall be considered as One thousand.

Allowances or Drawbacks in respect of Malt used in the distilling of Spirits not to be deemed to be revived.

XVII. And whereas an Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, to allow Malt to be used Duty-free in the distilling of Spirits, and by the Fourth Section of the same Act all Allowances and Drawbacks of Excise granted by any former Act in respect of the Malt used in the making of Spirits were made to cease and determine: Be it enacted, That nothing in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, shall be deemed or construed to extend to revive at any Time hereafter, or on any Event whatever, any Allowances or Drawbacks of Excise whatever in respect of Malt used in the distilling of Spirits.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

XVIII. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise, or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

What shall be deemed to be unmalted

XIX. And whereas an Act was passed in the Second Session of Parliament holden in the Fifth Year of Her Majesty's Reign, Chapter Thirty,

Thirty, to provide Regulations for preparing and using roasted Malt in colouring Beer, and by the same Act any Roaster of Malt or Dealer in roasted Malt is prohibited under the Penalties and Forfeitures therein mentioned from having in his Custody or Possession any raw or unmalted Corn or Grain of any Description, roasted or unroasted, mixed or not mixed with any Malt: Be it enacted, That all Corn or Grain found in the Custody or Possession of any Roaster of Malt or Dealer in roasted Malt, which Corn or Grain shall not have germinated to such a Degree that the Plumule thereof shall have been elongated to the Extent of One Half of the Length of the Grain, shall be deemed to be unmalted Corn or Grain within the Meaning of the said last-mentioned Act; but no Penalty or Forfeiture shall be incurred in respect of any Malt by reason of its being found to contain a Proportion not exceeding Five *per Cent.* of Grain which may not have germinated to the Extent aforesaid, provided reasonable Evidence shall be adduced to prove that such last-mentioned Grain has been subjected to the usual legal Process for the making of Malt.

Grain in the Possession of a Malt Roaster.

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SCHEDULE,

Containing a Table to be used in determining the original specific Gravity of Worts of Beer.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	33·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	33·7	12·0	54·3	16·0	76·5

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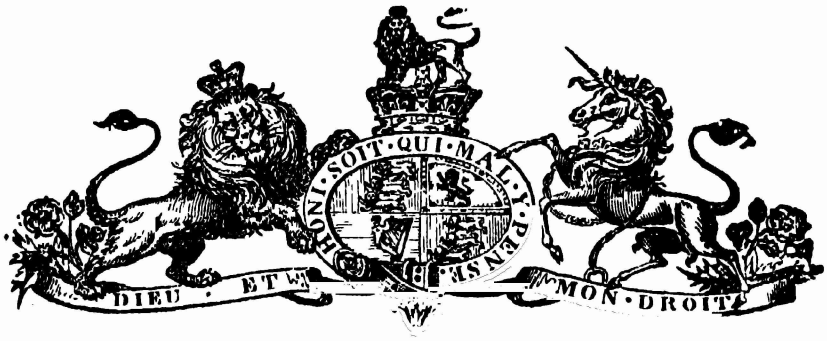

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and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners may grant Extension of Time on certain Conditions.

I. It shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts and this Act, or any Three of them, to grant any Extension of the Time limited for the Repayment of any Loan which shall have been made under the Authority of the aforesaid Acts, or any Part of any such Loan, so as such Extension of Time shall be made in every Case on Condition that the whole Amount of such Loan shall be secured to be paid by Instalments of such Amount as the said Commissioners shall think fit, and so as in every Case of Extension of Time under the Powers of this Act such further Security be given as the said Commissioners shall think proper; and any such Extension of Time may be made upon such other Terms and Conditions (if any) as the said Commissioners may require, and every such further Security shall be made in such Form and to such Person or Persons as the said Commissioners shall direct: Provided, nevertheless, that no such Extension of Time shall be granted in pursuance of the Powers of this Act, except with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Two or more of the Commissioners of Her Majesty's Treasury for the Time being; provided also, that every Application for such Extension of Time be made in Writing within Two Years from the passing of this Act.

Applications for Extension to be made within Two Years.

On Payment of Interest due Commissioners to forbear compelling Payment of Principal, upon certain Conditions.

II. From and after Payment (if made within Six Calendar Months from the passing of this Act) of all Interest which may be due at the Time of the passing thereof in respect of any such Loan, the said Commissioners for the Time being acting in the Execution of the said recited Acts and this Act shall forbear from compelling Payment of the Principal Monies due in respect of such Loan as long as a Sum equal to One Twentieth Part of the Principal Monies which may be due or owing in respect of any such Loan at the passing of this Act, together with Interest thereon, or on so much thereof as may from Time to Time remain unpaid, be paid annually, the First of such annual Payments to begin and be made at the Expiration of One Year from the passing of this Act; and for the Purposes of this Provision no Grant of Extension of Time shall be necessary; but if Default shall be made in Payment of any Instalment or any Interest contrary to this Provision, the Principal and Interest remaining unpaid at the passing of this Act, or at the Time of such Default, as the Case may be, shall become immediately due and payable and be recoverable in the same Manner as if this Act had not been passed.

III. No

III. No such Extension of Time to be granted as aforesaid shall in anywise alter or prejudice the existing Security for any Loan either originally made or under any Extension of Time already made, and the same, except as the same may be agreed to be altered by the said Commissioners under the Powers of this Act, shall be and remain in full Force in every respect as if no Extension of Time had been granted under the Powers of this Act.

Extension of Time not to prejudice existing Securities.

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Period not exceeding Two Years, with or without Hard Labour, to Imprisonment for any Period not exceeding One Year, and save also that Licences under this Act to have or carry Arms shall be in the Forms in the Schedules (A.) and (B.) to this Act annexed, or to the like Effect.

Proclamations, &c. to remain in force.

III. All Proclamations made and Notices given, and all Licences issued, and all Matters and Things done and now valid and in force, under the said Statute Eleventh *Victoria*, Chapter Two, or any Act continuing the same, shall remain in force until revoked or altered under this Act.

Commence- of Act.

IV. This Act shall come into operation on the First Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six, and continue in force until the First Day of *July* in the Year of our Lord One thousand eight hundred and fifty-eight.

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SCHEDULES to which the foregoing Act refers.

A.

Form of Licence to have Arms, &c. in a Dwelling House only.

I [*A.B.*], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [*C.D.*] of [*here insert the Name, Description, and Place of Residence*] a Licence to have in his [*or* her] Dwelling House situate at , and not elsewhere [One Gun, *or other Arm or Arms, and Ammunition (as the Case may be)*].

Dated this Day of 185 .

Signed [*A.B.*]

B.

Form of Licence to carry and have Arms, &c. in Proclaimed District.

I [*A.B.*], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [*C.D.*] of [*here insert the Name, Description, and Place of Residence*], a Licence to carry and have One Gun [*or other Arm or Arms, or Ammunition, as the Case may be*] within the County [County of a City, County of a Town, Barony, Half Barony, *or other District, as the Case may be*] of

Dated this Day of 185 .

Signed [*A.B.*]

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Counties in which they are situated.

and at any Time hereafter to direct that any Work mentioned in the Schedule hereto annexed shall be deemed and become the public Property of the County in which the same is situate, and from and after the Date of any such Warrant such Work, together with all Ways, Rights, Members, and Appurtenances thereto belonging, and all Lands held therewith, shall be deemed and taken to be the public Property of such County; and be held, maintained, and preserved by the Grand Jury of the County mentioned in such Warrant in like Manner as any Public or County Road, or Bridge within such County, the Expense of which is or may be chargeable to such County or any Barony thereof.

The Provisions applicable to the Works transferred under 16 & 17 Vict. c. 136. to be applicable to Works transferred under this Act.

II. From and after the Date of any such Warrant, all and every the Enactments and Provisoes in the said recited Acts contained, as regards the several Harbours, Piers, Quays, Landing Places, and other Works in the Second Schedule to said recited Act mentioned, shall be held to apply and be applied to the Work mentioned in the Schedule to this Act annexed, and transferred by such Warrant, in the same Manner as if such last-mentioned Work had been included in the said Second Schedule to the said recited Act annexed.

Extension of the Time within which Money payable under a Final Award of the Commissioners of Public Works may be ordered to be paid.

III. And whereas it is by the said recited Act enacted, that where any Sum of Money under the Final Award of the said Commissioners, already made or thereafter to be made, should be payable by any County and District, or either of them, in respect of Monies advanced by way of Loan for or in respect of any Harbour, Pier, Quay, Landing Place, or other Work, under the Provisions of the Act therein mentioned, the same should be payable by the Grand Jury of such County; and the Secretary of the said Commissioners should certify to the Secretary of such Grand Jury the Amount of such Sum of Money, and the Instalments and Manner by and in which the same was payable under the Award of the said Commissioners; and such Grand Jury are thereby required, without Application to Presentment Sessions, to make Presentment of the Amount mentioned in such Certificate, to be payable at the Times and in the Manner stated in such Certificate, to be raised off the County at large and District, or either of them, as the Case might be; and in default of such Presentment the Court at such or the next Assizes should order the Amount mentioned in such Certificate to be raised off such County and District, or either of them, as the Case might be, and that such Order should have the Force and Effect of a Presentment: And whereas it is expedient that the Time within which it is by the said Act provided that the Court should order the Amount mentioned in any such Certificate to be raised as aforesaid should be extended: In all Cases where the Secretary of the said Commissioners of

of Public Works shall have heretofore certified or may hereafter certify to the Secretary of any Grand Jury the Amount of Money, and the Instalments and Manner by and in which the same is payable, under the Award of the said Commissioners of Public Works, in respect of any Harbour, Pier, Quay, Landing Place, or other Work, and the Grand Jury of such County shall have made or may make default in presenting the Amount mentioned in any such Certificate, the Court shall at any Assizes hereafter to be held for such County, on an Application on behalf of the Commissioners of Public Works, order the Amount mentioned in such Certificate to be raised off the County or District, or either of them, (as the Case may be,) and such Order shall have the Force and Effect of a Presentment, and the Treasurer of such County shall insert such Amount as shall be so presented or ordered as aforesaid in his Warrant or Warrants, and the same shall be applotted, raised, and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as such Amount as aforesaid shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Paymaster of Civil Services in *Ireland* for the Time being, and the same shall be by him paid over and applied in such Manner as the Commissioners of Her Majesty's Treasury shall from Time to Time direct in discharge of the Loan mentioned in any such Award, and chargeable to such County and District, or either of them.

IV. That the said recited Act and this Act shall be construed together as One Act.

Recited Act and this Act to be as One.

SCHE-

SCHEDULE referred to in the foregoing Act.

Where situate.	Pier, Canal, or other Work, as the Case may be.	County in which situate.
Belmullet - - -	Navigable Cut or Canal -	Mayo.
Burrin - - -	Pier - - - -	Cork.
Ring - - - - -	Pier - - - -	Cork.

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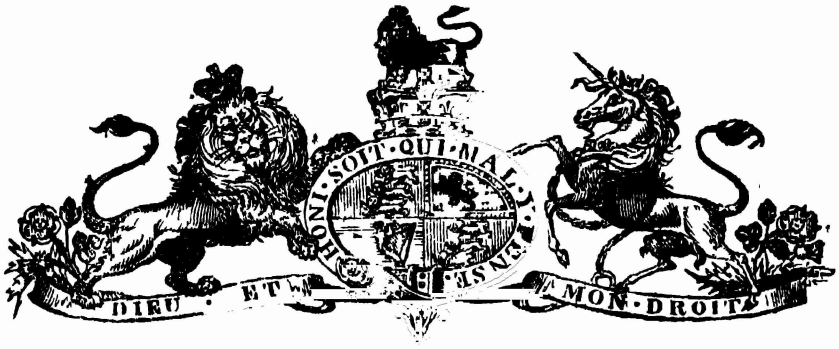

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XXXVIII.

An Act for the further Amendment of the Laws relating to Labour in Factories.

[30th *June* 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act Provision was made for referring to competent Persons as Arbitrators all Questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and for any Accident arising from such Non-fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provision of the said Act should be explained and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

7 & 8 Vict. c. 15.

this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for any Purpose as "The Factory Act, 1856."

Commencement of Act.

II. This Act shall commence and take effect on and from the First Day of *June* One thousand eight hundred and fifty-six.

Recited Act and this Act to be One.

III. The said recited Act and this Act shall be construed and executed as if they were One Act.

Sect. 21. to apply only to Mill-gearing liable to come into contact, &c.

IV. The said Section Twenty-one, so far as the same refers to the Mill-gearing, shall apply only to those Parts thereof with which Children and young Persons and Women are liable to come in contact, either in passing or in their ordinary Occupation in the Factory.

The Word "Machinery" in Sect. 43. to extend to other Mill-gearing.

V. The Word "Machinery" in the said Section Forty-three shall be considered as applicable to and including all other Parts of the Mill-gearing in a Factory with which Children and young Persons are not liable to come in contact in passing or in their ordinary Occupation in the Factory; and the Word "Machinery," in the Twenty-fourth, Forty-second, Fifty-ninth, and Sixtieth Sections of the said Act, shall be considered as applicable to and as including Mill-gearing.

Penalty for not fencing Machinery after Notice.

VI. Where, under the said Section Forty-three as amended by this Act, an Inspector or Sub-Inspector gives Notice in Writing to the Occupier of a Factory or his Agent in relation to any Part of the Machinery or any Driving Strap or Band not securely fenced which such Inspector or Sub-Inspector deems likely to cause bodily Injury to any Person employed in the Factory, if the Occupier of such Factory do not within the Time in this Behalf limited by the said Section make Application in Writing for referring the Question of the fencing of the Machinery, Strap, or Band to which the Notice refers to Arbitration, and with the least possible Delay appoint an Arbitrator, or if the Decision in any such Arbitration be that it is necessary and possible to fence the said Machinery, Strap, or Band, the Occupier of the Factory shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds if he do not within a reasonable Time after such Notice or Decision (as the Case may be) cause such Machinery, Strap, or Band to be well and securely fenced, and at all Times thereafter keep the same well and securely fenced.

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CAP. XXXIX.

An Act to carry into effect a Convention respecting a Loan by Her Majesty to the King of *Sardinia*.

[30th *June* 1856.]

WHEREAS, by a Convention concluded on the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five between Her Majesty and His Majesty the King of *Sardinia*, and afterwards duly ratified, Her Majesty undertook to recommend to Her Parliament to enable Her to advance, by way of Loan to the King of *Sardinia*, the Sum of One million Pounds Sterling, by Two Instalments, and further to recommend to Her Parliament to enable Her, if the War should not have been brought to a Close at the Expiration of Twelve Months after Payment of the First Instalment of the said Loan, to advance to the King of *Sardinia*, in the same Proportions, a like Sum of One million Pounds Sterling: And whereas by an Act of the last Session of Parliament, Chapter Seventeen, Her Majesty was enabled to carry into effect the said Convention: And whereas the Sum of One million Pounds Sterling was in consequence advanced to the King of *Sardinia* in Two Instalments of Five hundred thousand Pounds each, the First Payment of which was completed on the Third Day of *May* One thousand eight hundred and fifty-five, and the Second on the Third Day of *November* One thousand

18 & 19 Vict. c. 17.

thousand eight hundred and fifty-five: And whereas if the War had continued the conditional Engagement of Her Majesty to advance to the King of *Sardinia* a like Sum of One million Pounds Sterling would have come into operation on the Third Day of *May* One thousand eight hundred and fifty-six, but the War was brought to a Close Six Days previously, namely, on the Twenty-seventh Day of *April* One thousand eight hundred and fifty-six, by the Exchange on that Day of the Ratifications of a Treaty of Peace: And whereas His *Sardinian* Majesty had already incurred those Expenses for the Prosecution of the War during the current Year which the said like Sum of One million Pounds was intended to enable him to provide for: And whereas a Convention was on the Third Day of *June* One thousand eight hundred and fifty-six concluded between Her Majesty and the King of *Sardinia* (and has since been ratified), by which it has been agreed as follows:

> ARTICLE I.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* undertakes to recommend to Her Parliament to enable Her to advance, by way of Loan, to His Majesty the King of *Sardinia* the further Sum of One million Pounds Sterling, contemplated by the Convention of the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five, in like Manner, Instalments, and Proportions, and subject in all respects to the same Conditions as if the War had not been brought to a Close at the Expiration of Twelve Months from the Payment of the First Instalment of the First Sum of One million Pounds Sterling:
>
> ARTICLE II.—His Majesty the King of *Sardinia* engages to accept the Advance mentioned in the preceding Article on the same Conditions in all respects, especially as to the Calculation and Payment of the Interest, as if such Advance had been made under and by virtue of the said Convention concluded and signed at *Turin* on the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five:

And whereas in pursuance of Her Majesty's gracious Recommendations in this Behalf it is expedient that Her Majesty should be enabled to carry into effect the last-mentioned Convention: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Treasury to direct the Sums re-

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to direct and cause to be issued to Her Majesty's Paymaster General from Time to Time out

out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, such Sums of Money as shall be required for the Advance to His Majesty the King of *Sardinia* of the further Sum of One million Pounds Sterling, in pursuance of the said Convention of the Third Day of *June* One thousand eight hundred and fifty-six, by the Instalments and at the Times provided or referred to by the said Convention, conformably to Her Majesty's Engagements in this Behalf; and all the Provisions of the said Act of the last Session of Parliament shall be in force and be applicable in relation to the said further Loan of One million Pounds Sterling, and the Interest and Sinking Fund in respect of the same, and the Accounts thereof respectively, in the same Manner as if the War had not been brought to a Close at the Expiration of the Twelve Months before mentioned, and as if the Sums hereby authorized to be issued had been authorized to be issued under the said Act.

quired for the further Loan to Sardinia to be issued out of the Consolidated Fund.

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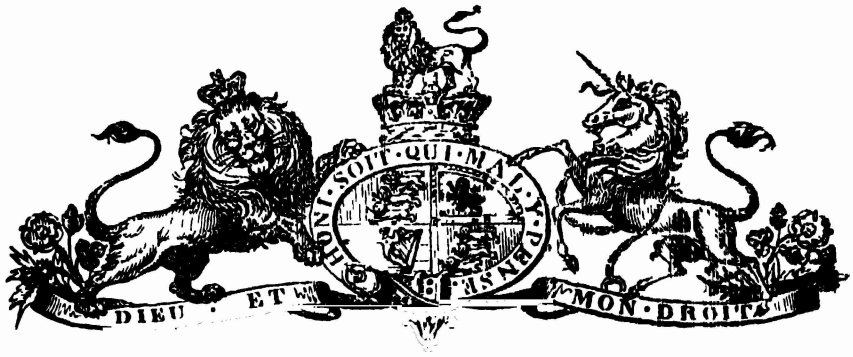

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. XL.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her present Majesty relating to Industrial and Provident Societies.

[7th *July* 1856.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-five, intituled *An Act to amend the Industrial and Provident Societies Act*, 1852, Provision is made for the better Conduct of legal Proceedings in Matters concerning Societies constituted under the said Act: And whereas Doubts have arisen whether such Provisions apply to Societies so constituted after the passing of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, and it is expedient that such Doubts should be removed, and that the said Act should be otherwise explained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 25.

I. The Act passed in the Seventeenth and Eighteenth Years of Her Majesty, intituled *An Act to amend the Industrial and Provident Societies Act*, 1852, shall apply to all Societies which at the Recited Act to apply to all Societies constituted under the same.

the Time of the passing of this Act are or thereafter may be constituted under the Industrial and Provident Societies Act, 1852.

Time fixed by recited Act for Appointment of Officers to sue and be sued extended.

II. The Time fixed by the Second Section of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, for the Appointment of Officers to sue and be sued by any such Society shall be extended, in the Case of any Societies so constituted at the passing of this Act for which such Officers are not then appointed, to One Calendar Month after the passing of this Act, and, in the Case of any Society to be constituted after the Act is passed, to One Calendar Month after the Date of Certificate of Registration of such Society.

Certain Appointments made by Trustees confirmed.

III. Any Appointment already made by the Trustees of any Society constituted after the passing of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, of any Member thereof as an Officer to sue and be sued, of which a Return has been made as is required by the said Act, shall be taken to have been duly made under the Second Section thereof.

As to Power of removing Officers.

IV. The Right of Removal given by the Second Section of the said Act shall apply to any such Officer appointed thereunder by the Trustees of any Society constituted under the Industrial and Provident Societies Act, 1852, as fully as if he had been appointed by such Society.

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VICTORIÆ REGINÆ.

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Power to constitute Shipping Offices Branch Savings Banks.

II. The Board of Trade may constitute any Shipping Office established under the Merchant Shipping Act, 1854, a Branch Savings Bank for the Purposes of this Act, and may require any Shipping Master belonging to such Office to act as Agent of the said Board in carrying this Act into effect, and his Duties as such Agent shall thereupon be deemed to be Part of his Duties within the Meaning of the Merchant Shipping Act, 1854.

Commissioners for Reduction of National Debt to receive Deposits and pay Interest.

III. The Commissioners for the Reduction of the National Debt may from Time to Time, on the Request of the Board of Trade signified by Writing by One of the Secretaries or Assistant Secretaries of such Board, receive from Her Majesty's Paymaster General the Monies received by the said Board as Deposits in Savings Banks established under this Act; and may also from Time to Time, on the like Request signified in like Manner, repay to Her Majesty's Paymaster General to the Account of the said Board the Monies so received by them as aforesaid; and the said Commissioners shall invest all Monies so received by them as aforesaid in the same Manner in which Monies received from Trustees of Savings Banks are invested by them, and shall pay to Her Majesty's Paymaster General, to the Account of the Board of Trade, Interest upon the Monies so received by them as aforesaid so long as the same continue in their Hands, at the same Rate at which they pay Interest for the Time being upon the Monies received by them from the Trustees of Savings Banks.

Board of Trade to make Regulations for Conduct of Savings Banks.

IV. The Board of Trade may make and from Time to Time alter such Regulations as they may think fit with respect to the Persons entitled to become Depositors, to the making and Withdrawal of Deposits, the Amount of Deposits, the Rate and Payment of Interest, the Rights, Claims, and Obligations of Depositors, and with respect to all other Matters incidental to carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other Public Officer employed on or about such Savings Banks, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any Deposit or Interest thereon, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Application of Deposits of deceased Depositor.

V. All Sums of Money due from the Board of Trade to the Estate of any deceased Person entitled to any Deposit in any Savings Bank established

established under this Act shall be paid and applied by such Board to the same Persons to whom and in the same Manner and subject to the same Conditions on and subject to which the Money and Effects of a deceased Seaman are payable and applicable under the Provisions of the Merchant Shipping Act, 1854.

VI. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money deposited in any Savings Bank established under this Act, or any Interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to any such Money or Interest, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall on Conviction be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment, with or without Hard Labour, for any Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Punishment for Forgery or for making false Representations in order to obtain Deposits or Interest.

VII. The Board of Trade may, out of the Interest paid by the Commissioners for the Reduction of the National Debt on the Monies paid to them under this Act, pay any Expenses incurred in carrying this Act into effect.

Expenses of Act how to be defrayed.

VIII. An annual Account of all Deposits received and repaid by the Board of Trade under the Authority of this Act, and of the Interest thereon, shall be laid before both Houses of Parliament; and a Copy of all Regulations made by this Board under the Authority of this Act shall likewise be laid before both Houses of Parliament.

Accounts and Copy of Regulations to be laid before Parliament.

IX. All Criminal Proceedings under this Act shall be carried on in the same Manner as similar Proceedings under the Merchant Shipping Act, 1854, and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

Mode of Criminal Proceeding.

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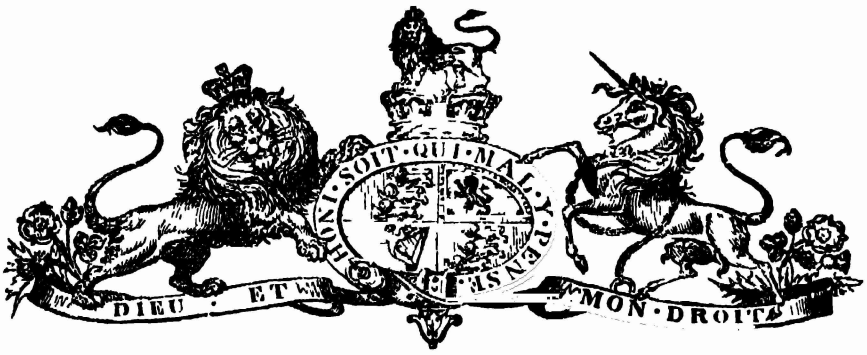

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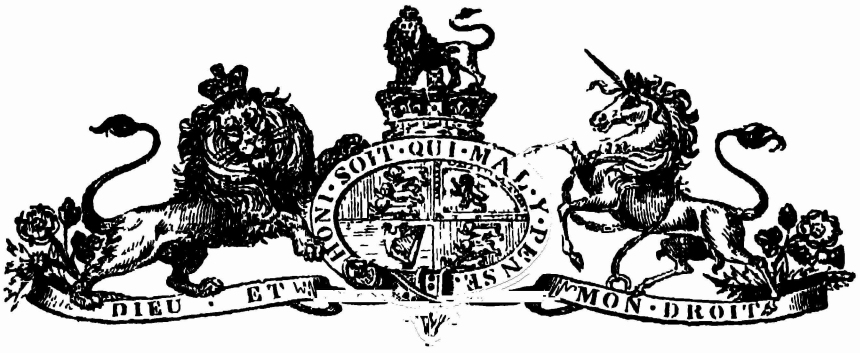

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sioners shall direct, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and no Issue for the Payment of such Purchase Money shall be made out of the gross Revenue charged with such Annuity or Part of Annuity.

If Hereditary Revenues cease to form Part of Consolidated Fund, an annual Equivalent to Annuities redeemed to be charged on such Revenues.

II. In case, upon the Decease of Her Majesty (whom God long preserve), or at any Time afterwards, any Hereditary Revenues chargeable with any Annuity or Part of Annuity which shall be redeemed under this Act, or heretofore chargeable with any Annuity or Part of Annuity which has been redeemed during Her Majesty's Reign, cease to be carried to or form Part of the said Consolidated Fund, an annual Sum equal to the net annual Amount of the Annuity or Part of Annuity so redeemed shall from the Time of such Cesser be a Charge on the Hereditary Revenues on which the same was charged at the Time of the Redemption of such Annuity or Part of Annuity, and be paid to and form Part of the said Consolidated Fund so long as such Hereditary Revenues cease to be carried to and form Part of such Fund.

SCHEDULE.

	£	s.	d.
The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is	1,200	0	0
The Moiety of an Annuity granted by King William the Third and Queen Mary to Henry de Nassau D'Auverquerque, his Heirs and Assigns, and charged upon the Land Revenue in South Wales, the net annual Amount payable in respect of which Moiety is - - - - - -	375	16	0
An Annuity now payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is - - - - - -	3,384	0	0
The Three Fourth Parts of an Annuity granted by King George the First to Maynhard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is - - -	2,160	0	0

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4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Four Millions, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of King *George* the Third, Chapter One, and in an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Fifteen, and in an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Bills how to be charged and paid.

III. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall respectively bear Date on such Days subsequent to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue, after Twelve Calendar Months from their Dates.

V. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

If full Amount of 4,000,000*l.* in Exchequer Bills is not issued, Exchequer Bonds may be issued.

VI. The Commissioners of Her Majesty's Treasury may from Time to Time, but not later than the Thirty-first Day of *March* One thousand eight hundred and fifty-seven, cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at *Westminster* for such Sum or Sums of Money as they shall direct, but the Amount of such Exchequer Bonds, taken together with the Amount of Exchequer Bills issued from Time to Time under the Authority of this Act,

Exchequer Bills (£4,000,000.)

Act, shall not exceed in the whole the Sum of Four Millions authorized to be raised by Exchequer Bills, as herein-before mentioned; and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding Four Pounds *per Centum per Annum*, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

Interest on Bonds, and Repayment of Principal Money.

VII. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Monies as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued.

VIII. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the *London Gazette*.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

IX. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and

and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money raised to be paid to the Consolidated Fund.

X. All such Sums of Money as shall be raised by Exchequer Bills or Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Exchequer Bills and Bonds may be delivered to Persons authorized by the Treasury.

XI. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bills or Exchequer Bonds, made out in pursuance of this Act, as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of Four Millions, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bills and Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bills and Exchequer Bonds, on proving, to the Satisfaction of the Commissioners for auditing the Public Accounts, that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bills and Exchequer Bonds to such Person or Officer, except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of *England* as aforesaid.

Bank of England may advance 4,000,000*l.* on the Credit of Bonds and Bills, and Commissioners of National Debt may invest Money on account of Savings Banks in Purchase of Bonds.

XII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills and Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Four Millions (anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act to the contrary thereof in anywise notwithstanding); and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XLV.

An Act for confirming a Scheme of the Charity Commissioners for *Saint Mary Magdalen Hospital* near *Bath*. [14th *July* 1856.]

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of *Saint Mary Magdalen* at *Holloway* near the City of *Bath*, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3d Report, dated 28th Feb. 1856.

I. The said Scheme shall be confirmed and take effect.

Scheme confirmed.

SCHEDULE.

SCHEME

For the REGULATION of the HOSPITAL of SAINT MARY MAGDALEN in HOLLOWAY, near the City of Bath, and the Possessions thereof.

Dissolution of the existing corporation.

1. The Corporation of the Hospital, by the name of the Master, Co-brethren, and Sisters of the Hospital of Saint Mary Magdalen in Holloway, near the City of Bath, or by any other name, so far as the same Corporation has now, or is capable of legal subsistence, shall be dissolved, and the Charity, under the name of the Magdalen Charity, with all the real and personal estates thereof, shall be henceforth managed and administered by the trustees hereby appointed, and for the purposes only hereby declared.

The charity to be managed by trustees.

Power to enlarge the number of the trustees.

2. The trustees for the time being of the Municipal Charities of the City of Bath shall be the trustees of the Charity, under the name, for this purpose, of Trustees of the Magdalen Charity, and they shall have power, with the approbation of the Charity Commissioners for England and Wales, to associate with themselves in the management of the Charity, or any department thereof, any person from among benefactors of the Charity, or from among the trustees or managers of any other Charity to be united therewith, who respectively may stipulate for such participation in the management thereof, upon making any such benefaction, or upon any such union of Charities.

The possessions of the charity to be vested in the trustees for the time being.

3. All the real estate belonging to or held in trust for the said hospital (subject to the subsisting leases thereof), and the benefit of all covenants, conditions, and securities made or reserved to the former Corporation of the said Hospital, or to any preceding trustees of the Charity as hereby constituted, and all the personal estate thereof (subject to the following provisions as to the legal tenure of stock in the public funds), and the right to sue for and recover all choses in action recoverable for the benefit of the same Charity, shall from time to time vest in the trustees of the Magdalen Charity for the time being, by force and for the purposes and according to the provisions of this scheme, without conveyance, assignment, or other assurance; and a right to sue upon and enforce all covenants, conditions, and securities made or reserved to the said former corporation, or to any preceding trustees of the Charity, shall be exercisable by and in the names of the trustees for the time being thereof, as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding trustees, if still retaining their office; and all contracts and liabilities of the said corporation before the dissolution thereof, or of any preceding trustees of the said Charity, may be enforced against the trustees thereof for the time being to the extent of the property or assets thereof.

Leases and other instruments may be executed by five trustees.

4. Leases and other instruments for the letting or disposal of the Charity Estate may be made by any five trustees thereof for the time being on behalf and as the act of the whole of them, according to any resolution of the trustees made at a meeting of their body, duly convened, and shall have the same effect as if executed by all the trustees; and the recital of any such resolution, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be primâ facie evidence of the same resolution.

5. The

5. The trustees may appoint four or more of their number to be a Stock Committee, and any stock in the public funds from time to time belonging to or held in trust for the Charity may be transferred either into the names of such Stock Committee, or, under the order of the Charity Commissioners for England and Wales, to the Official Trustees of Charitable Funds; and as often as the number of the Stock Committee, continuing to be trustees of the Charity, shall be reduced to two or a less number, then the trustees shall appoint a sufficient number of the other members of their body to be members of the Stock Committee, jointly with the continuing members of such committee, to make up the number of the committee to four or more, and the stock held by the former members of the Stock Committee shall be transferred to the Stock Committee so newly constituted. **Stock committee.**

6. The sum of 70*l.* sterling paid to the Rev. John Allen, the late master of the Hospital, by the Great Western Railway Company, as a consideration for land of the Charity taken by the said Company, and which sum is now in the hands of the personal representative of the said John Allen, shall be paid to the trustees hereby constituted of the said Charity; and the same, or so much thereof as shall not be otherwise applicable under the provisions of this scheme, shall be invested by them in the public funds in the names of the Stock Committee, or with the authority of the said Commissioners in the name of the Official Trustees of Charitable Funds, and the dividends of such stock shall be applicable as part of the general income of the Charity. All sums of stock transferred to the Accountant General of the Court of Chancery, upon any trust for the benefit of the said Hospital, shall be held upon like trusts for the benefit of the Charity as constituted by this scheme, and shall be transferred, upon the application of the trustess of the Charity for the time being, to the Stock Committee, or to the Official Trustees of Charitable Funds, for the benefit of the said Charity. **Trusts declared of certain funds for the charity.**

7. All the rents, dividends, interest, and income arising from any real or personal estate of the said Hospital, and which have become due or payable since the decease of the last master thereof, including all monies payable otherwise than as rent in respect of the occupation of any part of the Charity Estate, and which income or monies would be respectively due to the corporation of the said Hospital, if subsisting when this scheme shall come into operation, or to the master thereof; and all pew rents, or sums due in respect of any pews or sittings in the chapel of the said Hospital, occupied or used since the decease of the said late master, shall be due to and collected by the trustees hereby appointed, and shall be applicable by them according to the provisions of this scheme. **Income of charity accrued since the death of the late master to be collected.**

8. The chapel and buildings belonging thereto, and all houses and buildings on the Charity Estates, not in the tenure or occupation of any tenants or persons bound to repair the same, shall be maintained in proper repair, and be also insured against fire by the trustees out of the income arising from the same premises respectively, or otherwise, so far as such income shall extend; but, as to the chapel, subject to the primary applicability of the pew rents to the repair thereof. **Chapel and houses to be kept in repair.**

9. The chapel belonging to the said hospital, with its burial ground and precincts, shall be appropriated and used exclusively for the purposes of religious worship and rites, according to the ordinances and doctrines of the Church **The chapel and services to be maintained.**

Church of England, and the religious services shall be continued therein by the chaplain to be appointed as herein-after provided, unless or until after the establishment of the objects of the Charity in any locality distant from the site of the present Hospital, or upon the services of the said chapel being found to be not beneficial; or from any sufficient cause the trustees, with the written approval of the Lord Chancellor, to whom in right of the Crown the appointment of the master of the said Hospital has hitherto belonged, shall direct the same services to be suspended or discontinued.

Chaplain to be appointed.

10. There shall be a Chaplain of the Charity, to be called "The Chaplain of the Magdalen Charity," and the Lord Chancellor, in right of the Crown, shall be entitled from time to time to appoint such Chaplain, unless the services of the chapel shall have been discontinued as aforesaid; and the appointment of any such Chaplain may be for such time, subject to such regulations and conditions as to the Lord Chancellor shall seem fit: and until such appointment shall be made or the services of the said chapel shall be discontinued as aforesaid, the trustees shall provide for the continuance of the same service at the expense of the Charity.

Chaplain to be subject to jurisdiction of the bishop.

11. The Chaplain shall be subject to the jurisdiction of the bishop of the diocese, who shall have power to suspend or deprive him for neglect of duty or other sufficient cause.

Chaplain to perform divine service on Sundays

12. The Chaplain shall perform Divine service in the chapel at least once on every Sunday throughout the year, and all such religious services at or near to the same chapel, for the benefit of the objects and officers and servants of or employed for the purposes of the Charity, as the trustees shall reasonably require.

As to the use of the burial ground.

13. The Burial Ground belonging to the chapel shall be used for the interment of objects of the Charity, and the servants and others employed for the purposes thereof and of other persons, under such restrictions and regulations and subject to such orders as shall from time to time be made by the trustees.

Clerk, organist, &c. of chapel to be appointed by trustees.

14. The appointment and removal of the Clerk, Organist, Pew Openers, and other persons employed for the purposes of the chapel, or in the care thereof, shall belong to the trustees by whom the respective salaries of the same several officers and persons shall be fixed and paid.

Pew rents may be taken.

15. The trustees may require such moderate rents as they shall think fit to be paid to them for all or any of the pews or sittings in the chapel which shall not be occupied or used by the objects or officers or servants of the Charity.

Application of pew rents.

16. The Rents payable for pews or sittings in the said chapel, herein-after called by the general name of Pew Rents, shall be payable to the trustees, and shall be applicable in the first instance to the repair, insurance, and maintenance of the chapel and its precincts, and to the payment of the salaries of the clerk and organist, and the pew openers and other servants employed for the purposes, or in the care of the chapel, and to the providing of the necessary furniture and fittings of the chapel, and to the payment of the general expenses incident to the services thereof; and the residue of such Pew Rents which shall remain after answering those purposes shall be paid by the trustees to the chaplain for his own use, and as far as conveniently may be, by half yearly payments on the 25th day of March and the 29th day of September in every year.

17. In

17. In case and so often as the Pew Rents payable to the Chaplain in any year shall be less than the clear sum of 60*l.* the amount thereof shall be made up to the sum of 60*l.* for the benefit of the Chaplain by the trustees out of the general income of the Charity, so far as such income, after providing for the other payments hereby directed to be primarily paid thereout, shall be sufficient for that purpose, and the stipend or income of the Chaplain, including his share of the pew rents, may hereafter be made up by the trustees in like manner to any yearly sum not exceeding 100*l.* out of the general income of the Charity, with the approbation of the said Charity Commissioners under their seal, if and when on account of the increase of the duties of the Chaplain, or in consideration of the improved resources of the Charity, or for other reasons to be submitted by the trustees to the said Commissioners, it shall be thought expedient so to do.

The stipend of chaplain to be made up to stated amount.

18. All the pew rents which have become due since the death of the late master, and all the rents, dividends, interest, and general income of the charity which respectively have accrued or become due since the same event, which shall be collected by or on account of the trustees under the foregoing direction, shall be applied by them, in the first place, in or towards the payment of all such salaries, wages, and monies as have become due during the same period to any persons or person on account of the maintenance of the said chapel and the services therein other than to the minister by whom such services have been performed or provided for, and of all expenses incurred in the maintenance or for the benefit of the last inmate of the said hospital until her decease, or on account of her burial; and the surplus of all such rents and income shall be applied in or towards the payment to the minister, by whom the services of the said chapel have been performed or provided for during the same period, of a stipend in respect of such services at the rate of 60*l.* per annum, to be computed from the decease of the late master, for the whole period during which he has so discharged or provided for the same services; and if such surplus rents and income shall be insufficient for the last-mentioned purpose, then the said stipend shall be made up to the said minister out of the before-mentioned principal sum of 70*l.*, or some other capital, funds, or property of the Charity, and in the meantime shall be a charge on all the same funds and property, and the income thereof.

Stipend to be paid in respect of the services since the death of the late master.

19. All the clear residues or surplus of the income of the Charity which remain after providing for the several payments herein-before directed to be made thereout shall be received by the trustees, and invested by them from time to time in the public funds in the names of the Stock Committee, or, under the authority of the said Commissioners, in the name of the Official Trustees of Charitable Funds; and the dividends and income arising from such investments shall also be invested and accumulated by the trustees from time to time in like manner until the stock so accumulated shall amount to 5,000*l.* or more.

As to the application of the surplus money.

20. When the stock to be so accumulated shall amount to or exceed 5,000*l.*, the trustees shall apply the same, and the dividends thereof, and the then future general income of the Charity which shall remain after answering the purposes herein-before provided for, in or towards the establishment, endowment, and maintenance of an Hospital or Asylum, to be called the Magdalen Hospital, to be governed and managed according to the provisions of this scheme, for the reception, maintenance, and improvements of poor idiots.

Hospital for idiots to be established.

Situation of the hospital.

21. The Hospital shall be established as near as conveniently may be to the said chapel, if suitable buildings, or a suitable site for buildings to be erected for the purposes thereof, shall be obtainable in the vicinity of the said chapel, and shall be approved by the said Commissioners for this purpose, or the said Hospital may, for any special reasons or considerations of advantage to the Charity, to be submitted to and approved by the said Commissioners, be established in any other locality not distant more than ten miles from the Abbey Church, in the City of Bath.

Power to appropriate or acquire buildings or site for the purposes of the charity, and to erect or adapt and fit up buildings.

22. The trustees, with the sanction of the said Commissioners, may appropriate any suitable buildings or land belonging to the Charity for the purposes of, or as a site for, the said Hospital, and may purchase or obtain the surrender for that purpose of any leasehold or other interest subsisting in such building or site, or, with the like sanction, may obtain, by way of purchase, exchange, demise, or otherwise, any other suitable buildings or land for the same purposes, and may erect, alter, enlarge, improve, adapt, and also furnish and fit up any buildings necessary for the purposes of the Charity, and apply to the purposes aforesaid, or any of them, any principal funds belonging to the Charity, or may raise any funds for the same purposes upon the security of the Charity Estates, with the approval of the Charity Commissioners for England and Wales, under their seal.

Objects of the charity.

23. The Hospital shall be for the reception, maintenance, training, and improvement, to the utmost attainable extent, of poor idiot children, of whom those born or whose parents or next friends shall be resident within the City of Bath, or within thirty miles thereof, shall be entitled to a preference of election, and all of whom at the time of their admission shall be under the age of fifteen years, and shall be free from any contagious or loathsome disease; all such children may be retained in the Hospital for such periods, to be determined particularly with reference to their continuing or supposed capacity of improvement, as shall be prescribed or permitted by any general rules established by the trustees for the government or regulation of the Charity.

Payments to be required from the inmates.

24. The trustees may require the payment on behalf of such poor children of any such yearly sums, not exceeding 10*l.* each, towards the expenses of the institution, as the circumstances of the Charity for the time being may render necessary or expedient, or such yearly sums, not exceeding twenty pounds each, for the same purposes, as the Charity Commissioners shall from time to time, upon the application of the trustees, authorize to be taken, but may also remit such payments, wholly or partially, in any cases where the poverty or condition of the inmates, or of their parents or next friends, shall render the payment of such yearly sums impracticable or specially onerous.

The trustees may also receive from time to time into the institution any idiot children not exceeding the before-mentioned age, or afflicted with any such disease as aforesaid, whose parents or next friends, in order to obtain for them the benefits of maintenance and discipline therein, shall be willing to pay on their behalf such larger yearly sums as shall be required by the trustees for the profit or benefit of the institution, so, nevertheless, that the reception of any such children other than poor idiots shall not be the means of preventing the reception or maintenance in the said Hospital of any such poor idiots as aforesaid, for whose reception or maintenance the income of the Charity for the time being shall be sufficient.

25. The

Magdalen Hospital, Bath.

25. The whole rents, dividends, interest, and yearly income of the Charity which shall not be applicable to such purposes as are herein-before directed to be primarily provided for therewith, and which shall remain after payment also of the necessary outgoings, including the expenses of repair and insurance, and rent (if any) payable in respect of the buildings and premises used for the purposes of the Charity, and also all the yearly or other sums to be received from any inmates of the Hospital, shall be applied by the trustees to the maintenance, medical treatment, training, instruction, and care of the inmates of the Hospital, of whom so many shall be received and maintained therein from time to time as the capacity of the buildings and the income and yearly resources of the Charity will permit.

The whole residuary income of the Charity to be applied for the benefit of the inmates of the Hospital.

26. The trustees, so soon as the said Charity shall be brought into active operation, or previously, shall make such general rules for the government and regulation thereof as in their judgment shall be best calculated to develop and extend its benefits, particularly in promoting the health and comfort and moral improvement of the inmates, according to the experience which may then have been acquired of the wants of the locality, and of the means by which the improvement and benefit of such patients may be most effectually advanced, and shall submit such rules for approval to the said Commissioners, and the same rules, so far as they may be approved by the said Commissioners, shall be established and thenceforth binding on all parties to whom they shall be applicable, but may from time to time be altered, extended, or annulled by the like means and authority as occasion may require.

Rules for the government of the Charity to be established.

27. The trustees, also with the sanction of the said Commissioners, may bring the said Charity into active operation before accumulating the prescribed sum of 5,000*l.* stock, and in the same manner, and subject to the same regulations, as if such accumulation had been made, in case by the aid of benefactions to the Charity, or by the improved management of the estates thereof, or by commuting any leases of such estates now subsisting for terms of life into leases for terms of years at larger present rates, or by the yearly or other subscriptions of benevolent persons, or any other means, the income for the time being of the Charity shall be rendered sooner sufficient for that purpose, or they may, with such sanction as aforesaid, agree to and effect the union of the Charity with any other Charity established for the like purposes, and within the distance of ten miles from the Abbey Church in the City of Bath, in order to render both Charities more effective, so, nevertheless, that the income of the Magdalen Charity shall be applicable only to such purposes as are hereby prescribed, and according to the regulations herein contained, with such modifications only, if any, required upon such union thereof, as shall have been submitted to and approved by one of the Judges of the Court of Chancery, or the said Commissioners.

Power to accelerate the foundation of the Charity in case of any sufficient means being obtained, or to unite it to any similar Charity.

28. This scheme shall be printed, and any person interested in the Charity shall have access thereto, under any reasonable regulations to be prescribed for that purpose by the trustees.

Scheme to be printed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XLVI.

An Act to exempt Imprisonments under the Act 5 Geo. 4. c. 96. from the Operation of the Act abolishing in *Scotland* Imprisonment for Civil Debts of small Amount. [14th *July* 1856.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen*, Justices of the Peace are empowered to commit Persons to Prison in certain Cases therein mentioned: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for abolishing in* Scotland *Imprisonment for Civil Debts of small Amount:* And whereas it is expedient to encourage the Settlement of all Disputes between Masters and Workmen by Arbitration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

5 G. 4. c. 96.

5 & 6 W. 4. c. 70.

I. That nothing in the last-recited Act contained shall apply to Imprisonment under the first-recited Act.

Nothing in 5 & 6 W. 4. c. 70. to apply to Imprisonment under 5 G. 4. c. 96.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

THE

JOINT STOCK COMPANIES ACT.

(19 & 20 Vict. Cap. 47.)

Joint Stock Companies.

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and Registration.

of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

Penalty on Partnerships exceeding a certain Number.

IV. Not more than Twenty Persons shall, after the Third Day of *November* One thousand eight hundred and fifty-six, carry on in Partnership any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to carry on Business by some Private Act of Parliament or by Royal Charter or Letters Patent, or are engaged in working Mines within and subject to the Jurisdiction of the Stannaries; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Members of the Partnership.

Matters required to be prescribed by Memorandum of Association.

V. The Memorandum of Association shall contain the following Things; (that is to say,)

1. The Name of the proposed Company;
2. The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is to be established;
3. The Objects for which the proposed Company is to be established;
4. The Liability of the Shareholders, whether it is to be limited or unlimited;
5. The Amount of the nominal Capital of the proposed Company;
6. The Number of Shares into which such Capital is to be divided, and the Amount of each Share; subject to the following Restriction:

That in the Case of a Company formed with Limited Liability, and hereinafter called a Limited Company, the Word "Limited" shall be the last Word in the Name of the Company.

Prohibition against Identity of Names in registered Companies.

VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive; and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name

Name that might have been continued or commenced against the Company by its former Name.

VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Form of Memorandum of Association.

VIII. Every Subscriber of the Memorandum of Association shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

Shares to be taken by Subscribers of Memorandum of Association.

IX. The Memorandum of Association may be accompanied by or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Company; but if no such Regulations are prescribed, or so far as the same do not extend to modify the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same Extent as if they had been inserted in Articles of Association, and such Articles had been registered.

Special Regulations may be prescribed by Articles of Association.

X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act.

Form and Effect of Articles of Association.

XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds: Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have signed

Stamp on Memorandum of Association and Articles of

Association, and Use of printed Copies.

signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the Memorandum of Association or Articles of Association shall be attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in *Scotland* as well as in *England* and *Ireland*.

Registration of Memorandum of Association and Articles of Association.

XII. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint Stock Companies, who shall retain and register the same: There shall be paid to the Registrar of Joint Stock Companies, in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Effect of Registration.

XIII. Upon any such Memorandum of Association, either with or without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Shareholders in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Directors to be liable for Debts if Dividend be paid when the Company is known by them to be insolvent.

XIV. If the Directors of any such Company shall declare and pay any Dividend when the Company is known by them to be insolvent, or any Dividend the Payment of which would to their Knowledge render it insolvent, they shall be jointly and severally liable for all the Debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office: Provided always, that the Amount for which they shall all be so liable shall not exceed the Amount of such Dividend; and that if any of the Directors shall be absent at the Time of making the Dividend or Dividends so declared or paid, or shall object thereto, and

and shall file their Objection in Writing with the Clerk of the Company, they shall be exempted from the said Liability.

XV. As soon as a Certificate of Incorporation has been granted by the Registrar of Joint Stock Companies, the Company may issue Certificates of Shares to the Subscribers to the Memorandum of Association, and to all other Persons to whom Shares may be allotted, of such Number and Amount as may be prescribed by the Memorandum of the Association, but not of any greater Number or Amount; The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished by its appropriate Number. Issue of Shares by Company.

Register of Shareholders.

XVI. Every Company registered under this Act, hereinafter referred to as "the Company," shall cause to be kept in One or more Books a Register of Shareholders, and there shall be entered therein the following Particulars: Register of Shareholders.

(1.) The Names, Addresses, and Occupations, if any, of the Shareholders in the Company, and the Shares held by each of them, distinguishing each Share by its Number:

(2.) The Amount paid on the Shares of each Shareholder:

(3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:

(4.) The Date at which any Person ceased to be a Shareholder in respect of any Share.

XVII. Once at the least in every Year a List shall be made of all Persons who on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting of the Company, or, if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars: Annual List of Shareholders on Register.

(1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:

(2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary

(3.) The Amount of Calls made on each Share

(4.) The total Amount of Calls that have been received:

(5.) The total Amount of Calls unpaid.

(6.) The total Amount of Shares forfeited.

The above List and Summary shall be contained in a separate Part of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit; such List and Summary shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy thereof authenticated by the Seal of the Company shall forthwith be forwarded to the Registrar, and any Person may inspect and take Copies of the same, subject to the Regulations under which a Person is herein-after declared to be entitled to inspect and take Copies of any Documents kept by the Registrar.

Penalty on Company not keeping a proper Register.

XVIII. If any Company registered under this Act makes default in keeping a Register of Shareholders, or in sending a Copy of such List and Summary as aforesaid to the Registrar, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Restrictive Definition of Shareholder.

XIX. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company registered under this Act, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.

Transfer of Shares.

XX. The Transfer of any Share in the Company shall be in the Form marked F. in the Schedule hereto, or to the like Effect, and shall be executed both by the Transferror and Transferree: The Transferror shall be deemed to remain a Holder of such Share until the Name of the Transferree is entered in the Register Book in respect thereof.

Certificate of Shares.

XXI. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be *primâ facie* Evidence of the Title of the Shareholder to the Share or Shares therein specified.

Calls a Debt to Company.

XXII. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Debt due from the Holder of such Share to the Company.

Inspection of Register.

XXIII. The Register of Shareholders commencing from the Incorporation of the Company shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-

herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Shareholder *gratis*, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; and every such Shareholder or other Person may require a Copy of such Register, or of any Part thereof, on Payment of Sixpence for every One hundred Words required to be copied; if such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues.

Power to close Register.

XXIV. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Shareholders for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer is to be registered.

Remedy for improper Entry or Omission of Entry in Register.

XXV. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Shareholders of any Company, such Person, or any Shareholder of the Company, may, as respects Companies registered in *England* or *Ireland*, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in *Scotland* by Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained.

Register to be Evidence.

XXVI. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein.

Copies of Memorandum and Articles of Association to be given to Shareholders.

XXVII. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

Management and Administration of Companies.

General.

Registered Office of Company.

XXVIII. The Company shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

XXIX. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Publication of Name by a Limited Company.

XXX. Every Limited Company registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods, purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company.

Penalties on Non-publication of Name.

XXXI. If any Limited Company registered under this Act does not paint or affix, and keep painted or affixed, its Name in manner aforesaid, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Company, or any Person on its Behalf, uses any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

XXXII. A General Meeting of the Company shall be held once at the least in every Year. General Meeting of Company.

XXXIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is hereinafter mentioned, alter and make new Provisions in lieu of or in addition to any Regulations of the Company contained in the Articles of Association or the Table marked B. in the Schedule. Power of Company to alter Regulations by Special Resolution.

XXXIV. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths in Number and Value of such Shareholders of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Shareholders for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least Five Shareholders a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company. Definition of Special Resolution.

XXXV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded. Registry of Special Resolutions.

XXXVI. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct. Copies of Special Resolutions.

XXXVII. The Company, if authorized so to do by its Regulations, may increase its nominal Capital in manner directed by such Regulations, but Notice of any Increase so made shall be given to the Registrar Notice to Registrar of Increase of Capital.

Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Prohibition against holding Land.

XXXVIII. No Company that is not for the Time being carrying on a Trade or Business having Gain for its Object shall be entitled, without the Sanction of the Board of Trade, to hold more than Two Acres of Land, but the Board of Trade may empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit, and may for that Purpose grant a Licence in the Form marked G. in the Schedule hereto, or to the like Effect.

Prohibition against carrying on Business with less than Seven Shareholders.

XXXIX. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Shareholder in such Company during the Time that it so carries on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without the Joinder in the Action or Suit of any other Shareholder.

Evidence of Proceedings at Meetings.

XL. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Legal Instruments of Company.

Contracts how made.

XLI. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to *English* Law to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties

Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged:

(3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Way be varied or discharged:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

Deeds.

Execution of Deeds abroad.

XLII. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate in the United Kingdom; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company.

Promissory Notes and Bills of Exchange.

XLIII. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the express or implied Authority of the Company.

Mortgages according to English Law.

XLIV. In any Mortgage made according to *English* Law by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negativing such Implication are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary

vary Contracts for Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked H. in the Schedule hereto, or as near thereto as Circumstances admit.

Bond and Disposition in Security according to Scotch Law.

XLV. In any Bond and Disposition in Security made according to *Scotch* Law by any Company registered under this Act there shall be implied the following Obligations and Undertakings (unless Words expressly negativing such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Re-sale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies; and such Bond and Disposition in Security may be in the Form marked I. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form, containing Power of Sale, with Sasine thereon, duly recorded in the Register of Sasines.

Conveyances according to English Law.

XLVI. In any Conveyance or Assurance made according to *English* Law by any Company registered under this Act there shall be implied (unless Words expressly negativing such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them:

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators,

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ministrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

A Covenant for further Assurance of such Lands or Premises at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

Disposition in Security according to Scotch Law.

XLVII. In any Disposition of Heritable Property granted according to *Scotch* Law by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrandice, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant also at its own Expense any further Deeds which may be necessary to render such Disposition effectual.

Examination of Affairs of Company.

Examination of Affairs of Company by Inspectors appointed by the Board of Trade.

XLVIII. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs.

Power of Inspectors.

XLIX. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

L. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Shareholders upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental

dental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed.

Power of Company to appoint Inspectors.

LI. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

LII. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding.

Notices.

Services of Notices on Company.

LIII. Any Summons or Notice requiring to be served upon the Company may, except in Cases where a particular Mode of Service is directed, be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company.

Rule as to Notices by Letter.

LIV. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office at such Time as aforesaid.

Authentication of Notices of Company.

LV. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Legal Proceedings.

Recovery of Penalties.

LVI. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices,

as

as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders;* and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to *Ireland*, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act passed for the Amendment of the above-mentioned Acts.

Application of Penalties.

LVII. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Alteration of Forms.

Board of Trade may alter Forms in Schedule.

LVIII. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite: They shall publish any Form or Table when altered in the *London Gazette*, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

PART III.

WINDING-UP.

Preliminary.

Application of Part III. of Act.

LIX. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Companies registered under this Act, and

and to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies* from and after the Date at which they have obtained Registration under this Act in manner herein-after mentioned, but not any other Companies.

Definition of "the Court."

LX. The Expression "the Court," as used in the Third Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice-Warden of the Stannaries:

In the Case of a Limited Company registered in *England* that is not engaged in working any such Mine as aforesaid, the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate:

In the Case of a Limited Company registered in *Ireland*, whose registered nominal Capital does not exceed Five thousand Pounds, —the Commissioners of Bankrupt in *Ireland*:

In all Cases not herein-before provided for, the Court shall mean as respects Companies registered in *England* the High Court of Chancery of *England*, as respects Companies registered in *Scotland* the Court of Session in either Division thereof, and as respects Companies registered in *Ireland* the Court of Chancery of *Ireland*.

And any Court to which Jurisdiction is given by the Third Part of this Act, not being the Court of Chancery or the Court of Session, shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it in pursuance of this Act, if in *England*, as the Court of Chancery has, if in *Ireland*, as the Court of Chancery in *Ireland* has, in relation to Matters within the Jurisdiction of such Courts respectively.

Liability of present Shareholders in respect of Debts

LXI. In the event of any Company being wound-up by the Court or voluntarily, the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held by him.

Liability of former Shareholders in a Company other than a

LXII. In the event of any Company other than a Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the Winding-up shall be deemed, for the

the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company contracted after the Time at which he ceased to be a Shareholder.

Limited Company with respect to Debts.

LXIII. In the event of any Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Holder of any Share or Shares within the Period of One Year prior to the Commencement of the Winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities to Creditors as if he had not so ceased to be a Shareholder.

Liability of former Shareholders in a Limited Company with respect to Debts.

LXIV. The Winding-up shall, if the Company is wound-up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound-up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Commencement of Winding-up of Company defined.

LXV. Any existing or former Shareholder upon whom Calls are authorized to be made by the Third Part of this Act is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under the Third Part of this Act, if alive.

Definition of "Contributory," and legal Character of his Liability.

LXVI. For the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves, the following Rule shall be adopted; (that is to say,)

Rights of Contributories between themselves.

(1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferror against all existing and future Debts of the Company:

(2.) In the Case of a Limited Company every Transferree shall indemnify the Transferror against all Calls made or accrued due on the Shares transferred subsequently to the Transfer.

Winding-up by Court.

Circumstances under which Company may be wound-up by Court.

LXVII. A Company may be wound-up by the Court under the following Circumstances; (that is to say,)

(1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up by the Court:

(2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year:

(3.) Whenever the Shareholders are reduced in Number to less than Seven:

(4.) Whenever the Company is unable to pay its Debts:

(5.) Whenever Three Fourths of the Capital of the Company have been lost or become unavailable.

Company when deemed unable to pay its Debts.

LXVIII. A Company shall be deemed to be unable to pay its Debts,

(1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

(2.) Whenever, in *England* and *Ireland*, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate:

(3.) Whenever, in *Scotland*, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made,

Application for winding-up to be by Petition.

LXIX. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

LXX. Upon

LXX. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Course to be pursued by Court on Petition of a Creditor.

LXXI. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding-up the Company.

Order for winding-up Company on Creditor's Petition.

LXXII. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree directing the Company to be wound-up, or such other Order or Decree as it deems just.

Course to be pursued by Court on Petition of Contributory.

LXXIII. After the Date of such Order or Decree for winding-up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

Effect of the Order for winding-up Company.

LXXIV. In Cases where the Court of Chancery in *England* or *Ireland* makes an Order for winding-up a Company, it may, if it thinks fit, direct all or any subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate, or if the Company is formed for the Purpose of working any such Mine as is within and subject to the Jurisdiction of the Stannaries, in the Court of the Vice-Warden of the Stannaries; and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding-up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction.

Power of Court of Chancery to remit Winding-up to Court of Bankruptcy.

LXXV. As soon as may be after making an Order or Decree for winding-up the Company the Court shall cause the Assets of the Company

Collection and Application of Assets.

Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

Fraudulent Preference.

LXXVI. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding-up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding-up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader; and any Conveyance or Assignment made by any Company registered under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Power of Court to summon Persons suspected of having Property of Company.

LXXVII. The Court may, after it has made an Order or Decree for winding-up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding-up the Company; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), the Court may by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person, and bring him before the Court for Examination.

Examination of Parties by Court.

LXXVIII. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid, concerning the Trade, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

Penalty on Falsification of Books.

LXXIX. If any Director, Officer, or Contributory of any Company for the winding-up of which an Order or Decree has been made under

under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour

Attachments, Sequestrations, and Executions within Three Months of Petition to be void.

LXXX. If any Attachment, Sequestration, or Execution is issued against any Company, by virtue whereof the Estate and Effects of the Company, or any of them, may be attached, sequestered, or taken in Execution, at any Time within Three Months next before the filing or Presentation of the Petition for winding-up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company, as against the attaching, sequestrating, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain out of any Money already realized, his Costs of Suit, and of the Attachment, Sequestration, or Execution, or to proceed with the Attachment, Sequestration, or Execution for the Purpose of realizing such Costs; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestrated, and taken in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be

Books of Company to be Evidence.

LXXXI. All Books, Accounts, and Documents of the Company, and of the Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *primâ facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

Power of Court to make Calls.

LXXXII. The Court may, at any Time after making an Order or Decree for winding-up a Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into consideration the Probability that

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some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Payment of Money into the Bank.

LXXXIII. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, with the Exception of such Balance, if any, as the Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall in *England* be paid into the Bank of *England* or some Branch thereof, and in *Ireland* into the Bank of *Ireland* or some Branch thereof, and in *Scotland* into One of the incorporated or chartered Banks in *Scotland*, to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Power of Court to grant Injunction or Interdict.

LXXXIV. The Court may, at any Time after the Presentation of a Petition for winding-up a Company, and either before or after making an Order for winding-up the same, upon the Application by Motion of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

Power of Court to stay Proceedings.

LXXXV. The Court may, at any Time after an Order or Decree has been made for winding-up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time on such Terms and subject to such Conditions as it deems fit.

Power of Court to adjust Rights of Contributories.

LXXXVI. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst themselves; and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

LXXXVII. The

LXXXVII. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.

Power of Court to order Costs.

Official Liquidators.

LXXXVIII. For the Purpose of conducting the Proceedings in winding-up a Company, and assisting the Court therein, there shall be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and such Appointment shall be made as follows; that is to say,

Appointment of Official Liquidators.

In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction may, after requiring due Security, appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so appointed, and fill up any Vacancy occasioned by such Removal or by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall have all the Powers hereby given to several Liquidators; if more Persons than One are appointed, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidators may be done by all or any One or more of such Persons:

In Cases within the Jurisdiction of any Court of Bankruptcy, the Official Assignee to be named by the Court shall be the Official Liquidator; but it shall be lawful, in Cases where the Winding-up takes place at the Suit of a Creditor, for the major Part in Value of the Creditors assembled at a Meeting to be held for the Purpose, and in Cases where the Winding-up takes place at the Suit of a Contributory, for the major Part in Value of the Contributories assembled at a Meeting to be held for the Purpose, to appoint an Official Liquidator to act concurrently with the Official Liquidator so named by the Court.

LXXXIX. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding-up of the Company as may be imposed by the Court.

Style and Duties of Official Liquidators.

XC. The

Powers of Official Liquidators.

XC. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:—

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial Winding-up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claims:

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof:

To do and execute all such other Things as may be necessary for winding-up the Affairs of the Company and distributing its Assets.

Appointment of Solicitor to Official Liquidators.

XCI. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties: There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Fees or otherwise as may be allowed by the Court.

Remuneration of Official Liquidators.

XCII. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Percentage or otherwise, as the Court directs.

XCIII. When

XCIII. When the Affairs of the Company have been completely wound-up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Dissolution of Company.

XCIV. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Registrar to make Minute of Dissolution of Company.

XCV. In *England*, the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be had for winding-up a Company in the Court of Chancery as may from Time to Time seem necessary; but, until such Rules are made, the general Practice of the Court of Chancery, including the Practice hitherto in use in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

Power of Lord Chancellor of Great Britain to make Rules.

XCVI. In *Ireland*, the Lord Chancellor of *Ireland* may, as respects the winding-up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain*; but, until such Rules are made, the general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

Power of Lord Chancellor of Ireland to make Rules.

XCVII. In *Scotland* the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of *Great Britain* as regards *England*; but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power of Court of Session in Scotland to make Rules.

Power of Vice-Warden of Stannaries to make Rules

XCVIII. The Vice-Warden of the Stannaries may from Time to Time, with the Approval of the Lord Chancellor of *Great Britain*, make such General Rules as may be necessary or expedient for the Purpose of carrying into execution the Powers conferred by this Act upon the Court of the said Vice-Warden; but, subject to such Rules, the general Practice of the said Court in Cases within the Jurisdiction thereof shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act, and any Order made by the Vice-Warden of the Stannaries may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced; and for the Purpose of Jurisdiction any Company registered under this Act engaged in working any Mine within and subject to the Jurisdiction of the Stannaries shall be deemed to be resident within the Stannaries, and at the Place where such Mine is situate: It shall be competent for the Vice-Warden in any Suit instituted against any Shareholder or Contributory of a Company so registered to authorize the Service of Process on such Shareholder or Contributory in any Part of *England* or *Wales*; provided, that it shall be lawful for the Lord Warden to remit at once any Cause or Matter pending before him on Appeal against any Decree or Order of the Court made in pursuance of the Power conferred upon it by this Act for the winding-up of such a Company to the Court of Appeal in Chancery, which shall thereupon have Power to hear and determine such Appeal, and to make such Order or Orders therein as may seem fit.

Court of Stannaries.

Service of Process.

Appeal in Cases of Winding-up.

Power of Commissioners of Bankruptcy to make Rules.

XCIX. Any Two Commissioners of Bankruptcy appointed by the Lord Chancellor of *Great Britain* may, as respects the Courts of Bankruptcy in *England*, and the Commissioners of Bankrupt in *Ireland* may, as respects the Courts of Bankruptcy in *Ireland*, make Rules as they respectively from Time to Time, but subject to the Approval of the Lord Chancellors of *Great Britain* and *Ireland* respectively, think fit, for the Purpose of regulating the Proceedings in such Courts for winding-up Companies, but, subject to such Rules, the general Practice of the Courts of Bankruptcy in *England* and *Ireland* respectively, in Cases within the ordinary Jurisdiction of such Courts, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act; and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced.

Rules with respect to Fees.

C. The Lord Chancellor of *Great Britain* as respects the Courts of Chancery and Bankruptcy in *England*, the Lord Chancellor of *Ireland* as respects the Courts of Chancery and Bankruptcy in *Ireland*

Ireland, the Court of Session in *Scotland* by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under the Third Part of this Act for winding-up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied; and as respects Fees to be paid in like Proceedings in the Court of the Vice-Warden of the Stannaries, it shall be lawful for the Vice-Warden to authorize Fees to be taken not exceeding in Number or Amount the Fees so authorized from Time to Time by the Lord Chancellor of *Great Britain* to be paid in Courts of Bankruptcy, and the Council of the Prince of *Wales*, or the Special Commissioners for managing the Affairs of the Duchy of *Cornwall*, as the Case may be, may direct in what Manner the Monies arising from such Fees are to be applied towards the annual Expenses of the Court of the Stannaries, or towards the Payment or in augmentation of the present official Salaries.

Special Commissioners for receiving Evidence.

CI. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound-up by the Courts of Chancery in *England* or *Ireland* or by the Court of Session in *Scotland;* and it shall be lawful for such Court to refer the whole or any Part of the Examination of any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding-up the Company has; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

Voluntary

Voluntary Winding-up of Company.

Circumstances under which Company may be wound-up voluntarily.

CII. A Company may be wound-up voluntarily,

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:

(2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound-up.

Notice of Resolution to wind-up voluntarily.

CIII. Notice of any Special Resolution to wind-up a Company voluntarily shall be given, as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Consequences of voluntary Winding-up.

CIV. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

(1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the Shareholders in proportion to their Shares:

(2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property:

(3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid to them:

(4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:

(5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them:

(6.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories

tributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court:

(8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders:

(9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders for the Purpose of considering such Account; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*:

(11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat; and if, on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass a Resolution to that Effect, and thereupon the Liquidators

shall publish a Notice of such Resolution, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*, and shall also make a Return to the Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved:

(12.) If within One Year after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not wound-up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the Winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the Winding-up of the Affairs of the Company is completed:

All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

CV. The voluntary Winding-up of a Company shall not prejudice the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound-up by the Court.

PART IV.

Registration Office.

Constitution of Registration Office.

CVI. The Registration of Companies shall be conducted as follows; (that is to say,)

(1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and remove them at pleasure:

(2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid:

(3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established: Provided always, that there shall be

be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies:

(5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar; and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or in Scotland for each Sheet of Two hundred Words; and such certified Copy shall be *primâ facie* Evidence of the Matters therein contained in all legal Proceedings whatever:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct:

(8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in *Scotland* to or by such Officer as the Board of Trade may appoint, and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland;* but, in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices

Offices of the Companies to be registered as the Board of Trade may appoint.

PART V.

Repeal of Former Acts, and Temporary Provisions.

Repeal.

Repeal of 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and 18 & 19 Vict. c. 133.

CVII. There shall be repealed,—

(1.) The Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten:

(2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*"

(3.) The Limited Liability Act, 1855:

But such Repeal shall not take effect with respect to any Company completely registered under the said Act of the Eighth Year of Her present Majesty until such Company has obtained Registration under this Act, as herein-after mentioned.

Provisions of 11 Vict. c. 45. 12 & 13 Vict. c. 108. 7 & 8 Vict. c. 111. and 8 & 9 Vict. c. 98. not to apply to Companies registered under this Act, &c.

CVIII. The following Acts, that is to say,

(1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled *An Act to amend the Acts for facilitating the Winding-up of the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and Winding-up of Joint Stock Companies and other Partnerships:*

(2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled *An Act to amend the Joint Stock Companies Winding-up Act*, 1848:

(3.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled *An Act for facilitating the Winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements:*

(4.) An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled *An Act for facilitating the winding-up the Affairs of Joint Stock Companies in* Ireland *unable to meet their pecuniary Engagements:*

shall not apply to Companies registered under this Act, nor to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, from and

and after the Date at which they have obtained Registration under this Act, as herein-after mentioned.

CIX. No Repeal hereby enacted shall affect—

Saving Clause as to Repeal.

(1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation:

(2.) Any Right acquired or Liability incurred under any such Acts before such Repeal comes into operation:

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation:

(4.) Any Proceeding to be taken in the Prosecution of any Order for winding-up a Company made before such Repeal comes into operation.

Temporary Provisions.

Registration of existing Companies.

CX. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, shall on or before the Third Day of *November* One thousand eight hundred and fifty-six, and any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, may at any Time hereafter, register itself as a Company under this Act, with or without Limited Liability, subject to this Proviso, that no Company shall be registered under this Act as a Limited Company unless either a Certificate of Complete Registration with Limited Liability under the "Limited Liability Act, 1855," has been obtained by it, or an Assent to its being so registered has been given by Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Requisitions for Registration by existing Companies.

CXI. Previously to the Registration under this Act of any existing Company, there shall be delivered to the Registrar of Joint Stock Companies the following Documents; that is to say,

(1.) In the Case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, if such Company is not intended to be registered as a Limited Company, a List showing the Names, Addresses, and Occupations of all Persons who on the Day of Registration are Holders of Shares in the Company, with the Addition of the Shares held by such Persons respectively, distinguishing each Share by its Number:

(2.) If such Company as last aforesaid has obtained a Certificate of Complete Registration with Limited Liability under the Limited Liability Act, 1855, or if it has not obtained such a Certi-

a Certificate, but is intended to be registered as a Limited Company under the Provisions of this Act, the above List shall be accompanied with a Statement specifying the following Particulars:

The nominal Capital of the Company, and the Number of Shares into which it is divided:

The Number of Shares taken and the Amount paid on each Share:

Such Statement shall also contain, in case the Company has not previously obtained a Certificate of Limited Liability, but is intended to be registered as a Limited Company under this Act,

The Name of such Company, with the Addition of the Word "Limited" as the last Word thereof:

(3.) In the Case of any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, if it is not intended to be registered as a Limited Company, there shall be delivered to the Registrar of Joint Stock Companies such List of Shareholders as is herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company:

(4.) If any such Company as last aforesaid is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars; that is to say,

The nominal Capital of the Company, and the Number of Shares into which it is divided;

The Number of Shares taken, and the Amount paid on each Share;

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof.

Authentication of Statements of existing Companies.

CXII. The List of Shareholders and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two; but no Fees shall be charged in respect of the Registration under this Act of any Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten. in Cases where the Liability of the Shareholders is not intended to be limited, or where such Company has already obtained a Certificate of Complete Registration with Limited Liability.

CXIII. Upon

CXIII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated accordingly, and all Provisions contained in any Deed of Settlement, Act of Parliament, Royal Charter, or Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company within the Meaning of this Act, and all the Provisions of this Act shall apply to such Company in the same Manner in all respects as if it had been originally incorporated under this Act; subject, nevertheless, to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons; and subject to this Proviso, that, except in so far as is herein-after permitted, no Company constituted by Act of Parliament shall have Power to alter any of the Provisions contained in such Act of Parliament, and no Company constituted by Royal Charter or Letters Patent shall have Power, by Special Resolution or otherwise, to alter any of the Provisions contained in such Charter or Letters Patent, without the Sanction of the Board of Trade.

Certificate of Registration of existing Companies.

CXIV. Any existing Company may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the Word "Limited," or do any other Act that may be necessary.

Power of Company to change Name.

CXV. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Certificate to be Evidence of Compliance with Act.

CXVI. The Registration of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration had not taken place.

Saving Rights of Creditors.

SCHE-

SCHEDULE.

Section VII.

FORM A.

Memorandum of Association of the "Eastern Steam Packet "Company, Limited."

1st. The Name of the Company is "The Eastern Steam Packet "Company, Limited."

2d. The registered Office of the Company is to be established in England.

3d. The Objects for which the Company is established are, "the "Conveyance of Passengers and Goods in Ships or Boats between "such Places as the Company may from Time to Time determine, "and the doing all such other Things as are incidental or conducive "to the Attainment of the above Object."

4th. The Liability of the Shareholders is "Limited."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.		Number of Shares taken by each Subscriber.
"1. John Jones of	in the County of -	200
"2. John Smith of	in the County of -	25
"3. Thomas Green of	in the County of -	30
"4. John Thompson of	in the County of -	40
"5. Caleb White of	in the County of -	15
"6. Andrew Brown of	in the County of -	5
"7. Cæsar White of	in the County of -	10
	Total Shares taken - - -	325

Dated the 22d Day of November 1856.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE

TABLE B.

Section IX.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

(1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.

(2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.

(3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.

(4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.

(5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.

(6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.

(7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.

(8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

(9.) If

(9.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.

(9*a*.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the ordinary General Meeting in each Year.

TRANSMISSION OF SHARES.

(10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.

(11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.

(12.) Any Person who has become entitled to a Share in any way other than by Transfer may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.

(13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.

(14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferror, and thereupon the Company shall register the Transferree as a Shareholder.

FORFEITURE OF SHARES.

(15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.

(16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.

(17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may be forfeited by a Resolution of the Directors to that Effect.

(18.) Any

(18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company thinks fit.

(19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

Increase in Capital.

(20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.

(21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

General Meetings.

(22.) The First General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.

(23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(25.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.

(26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.

(28.) Seven

(28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.

(29.) Any Shareholder may, on giving not less than Three Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.

(30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.

(31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Shareholders is present at the Commencement of such Business; and such Quorum shall be ascertained as follows; that is to say, if the Shareholders belonging to the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Shareholders up to Fifty, and One for every Ten additional Shareholders after Fifty, with this Limitation, that no Quorum shall in any Case exceed Forty.

(32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.

(33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.

(34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.

(35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

(37.) If

(37.) If a Poll is demanded in manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

(38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.

(39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.

(40.) If One or more Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.

(41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid, nor until he shall have been possessed of his Shares Three Calendar Months, unless such Shares shall have been acquired or shall have come by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of London, or by any Deed of Settlement after the Death of any Person who shall have been entitled for Life to the Dividends of such Shares.

(42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal.

(43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote; but no Instrument or Mandate appointing a Proxy shall be valid after the Expiration of One Month from the Date of its Execution.

DIRECTORS.

(44.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

 (45.) Until

(45.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

(46.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association, if any, declared to be exercisable by the Company in General Meeting, subject nevertheless to any Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

DISQUALIFICATION OF DIRECTORS.

(47.) The Office of Director shall be vacated,—

If he holds any other Office or Place of Profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the Profits of any Contract with the Company;

If he participates in the Profits of any Work done for the Company:

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

ROTATION OF DIRECTORS.

(48.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.

(49.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Company

pany shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

(50.) A retiring Director shall be re-eligible.

(51.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.

(52.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.

(53.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.

(54.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

(55.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.

(56.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

(57.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(58.) A

(58.) Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

(59.) A Committee may meet and adjourn as they think proper: Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.

(60.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

(61.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—

(1.) Of all Appointments of Officers made by the Directors;

(2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors;

(3.) Of all Orders made by the Directors and Committees of Directors; and,

(4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of Directors, or Committee of Directors, shall be receivable in Evidence without any further Proof.

(62.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

(63.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.

(64.) No Dividend shall be payable except out of the Profits arising from the Business of the Company:

(65.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think

think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, or maintaining, the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.

(66.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.

(67.) Notice of any Dividend that may have been declared shall be given to each Shareholder, or sent by Post or otherwise to his registered Place of Abode, and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.

(68.) No Dividend shall bear Interest as against the Company.

ACCOUNTS.

(69.) The Directors shall cause true Accounts to be kept,—

Of the Stock in Trade of the Company;

Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,

Of the Credits and Liabilities of the Company:

Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger: The Books of Account shall be kept at the principal Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business:

(70.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.

(71.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with

the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

(72.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.

(73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

(74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.

(75.) If not more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.

(76.) The Auditors need not be Shareholders in the Company: No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.

(77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.

(78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.

(79.) Any Auditor shall be re-eligible on his quitting Office.

(80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.

(81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.

(82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.

(83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have Access

Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

(84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

(85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.

(86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

(87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the District in which the registered Office of the Company is situate.

FORM

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(87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the District in which the registered Office of the Company is situate.

FORM

FORM OF BALANCE SHEET referred to in TABLE B.

Dr. BALANCE SHEET of the Co. made up to 18 Cr.

CAPITAL AND LIABILITIES.			£ s. d.	£ s. d.	PROPERTY AND ASSETS.			£ s. d.	£ s. d.
I. CAPITAL -	1.	*Showing:* *The total Amount received from the Shareholders; showing also:* (a.) *The Number of Shares* - (b.) *The Amount paid per Share* - (c.) *If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters. Any Arrears due from any Director or Officer of the Company to be separately stated.* (d.) *The Particulars of any forfeited Shares.*			III. PROPERTY held by the Company -	4.	*Showing:* *Immovable Property, distinguishing* - (a.) *Freehold Land* - - (b.) " *Buildings* - - (c.) *Leasehold* " - -		
						5.	*Movable Property, distinguishing* - (d.) *Stock in Trade* - - (e.) *Plant* - - - - *The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.*		
II. DEBTS AND LIABILITIES of the Company -	2.	*Showing:* *The Amount of Loans on Mortgage or Debenture Bonds.*							
	3.	*The Amount of Debts owing by the Company, distinguishing—* (a.) *Debts for which Acceptances have been given.* (b.) *Debts to Tradesmen for Supplies of Stock in Trade or other Articles.* (c.) *Debts for Law Expenses.* (d.) *Debts for Interest on Debentures or other Loans.* (e.) *Unclaimed Dividends.* (f.) *Debts not enumerated above.*			IV. DEBTS owing to the Company -	6.	*Showing:* *Debts considered good for which the Company hold Bills or other Securities.*		
						7.	*Debts considered good for which the Company hold no Security.*		
						8.	*Debts considered doubtful and bad* - *Any Debt due from a Director or other Officer of the Company to be separately stated.*		
VI. RESERVE FUND - -		*Showing:* *The Amount set aside from Profits to meet Contingencies.*			V. CASH AND INVESTMENTS	9.	*Showing:* *The Nature of Investment and Rate of Interest.*		
VII. PROFIT AND LOSS -		*Showing:* *The disposable Balance for Payment of Dividend, &c.*				10.	*The Amount of Cash, where lodged, and if bearing Interest.*		
CONTINGENT LIABILITIES -		*Claims against the Company not acknowledged as Debts.* *Monies for which the Company is contingently liable.*							

FORM

FORM C.

Memorandum of Association of the "Patent Stereotype Company, Limited," with Articles of Association annexed. Section X.

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The registered Office of the Company is to be established in Ireland.

3d. The Objects for which the Company is established are "the "working of a Patent Method of founding and casting Stereotype "Plates, of which Method John Smith of is the sole "Patentee."

4th. The Liability of the Shareholders is "Limited."

5th. The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

We, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.		Number of Shares taken by Subscribers.
"1. John Jones, of	in the County of -	1
"2. John Smith of	in the County of -	5
"3. Thomas Green of	in the County of -	2
"4. John Thompson of	in the County of -	2
"5. Caleb White of	in the County of -	3
"6 Andrew Brown of	in the County of -	4
"7. Abel Brown of	in the County of -	1
Total Shares taken		18

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

Articles of Association of the Patent Stereotype Company, Limited.

"It is agreed as follows:—

"1st. No Shareholder shall transfer his Shares without the Consent "of the Directors expressed in Writing.

" 2d. If any Shareholder feels aggrieved with the Refusal of the " Directors to allow him to transfer his Shares, the Matter shall be " settled by Arbitration.

" 3d. Calls on the Shares of the Company not considered as " paid-up Shares shall be made at such Time as the Directors think " fit; but no Call shall exceed Ten Pounds per Share.

" 4th. The Company shall not be obliged to register the Trans- " ferree, under the Regulations numbered Twelve and Thirteen in " the said Table, unless he is approved by the Directors, but in " the event of their disapproving the Matter may be decided by " Arbitration.

" 5th. The Regulations of Table B. as to General Meetings num- " bered 22, 23, and 25 shall not apply.

" 6th. The First General Meeting of the Company shall be held " on the First of July next, and subsequent General Meetings shall " be held on the First of July on every succeeding Year, or if that " Day is a Sunday on the succeeding Monday.

" 7th. An Extraordinary General Meeting may be summoned at " any Time by any Two Shareholders of the Company.

" 8th. All Matters in question between the Shareholders shall " be decided by an Arbitrator appointed by the Manchester Chamber " of Commerce.

" 9th. The Regulation of Table B. as to Votes of Shareholders, " numbered Thirty-eight, shall not apply, and every Shareholder " shall have One Vote in respect of every Share that he holds.

" The several Persons herein-after named, Subscribers to the " Memorandum of Association, shall be the First Directors of the " Company; that is to say, John Jones, Thomas Green, John " Thompson, Caleb White, Andrew Brown, and Abel Brown.

Names and Addresses of Subscribers.

" 1. John Jones of in the County of
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thomson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Abel Brown of in the County of

Witness to the above Signatures,

A.B.,
No. 20, Bond Street, Middlesex.

TABLE

TABLE D.

TABLE OF FEES.

Section XII.

	£	s.	d.
For Registration of a Company whose nominal Capital does not exceed 1,000*l.* - - - - - - - - -	5	0	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 1,000*l.*, and up to 100,000*l.*, an additional Fee of - - - - - -	0	5	0
For every 1,000*l.* or Part of 1,000*l.* after the First 100,000*l.*, an additional Fee of - - - - -	0	1	0
For Registration of any Increase in the Capital of a Company for every 1,000*l.* or Part of 1,000*l.*, up to 100,000*l.* in the whole - - - - -	0	5	0
For every 1,000*l.* or Part of 1,000*l.* beyond the First 100,000*l.*, an additional Fee of - - - - -	0	1	0
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - - - - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - - - - - - - -	0	5	0

FORM

Section XVI.

FORM E.

Summary of Capital and Shares of the _____ *Company, made up to the* _____ *Day of* _____

Nominal Capital _____ divided into _____ Shares of £ _____ each.
Number of Shares taken up to the _____ Day of _____
There has been called up on each Share £ _____
Total Amount of Calls received £ _____
Total Amount of Calls unpaid £ _____
Total Amount of Shares forfeited £ _____

LIST of Persons holding Shares in the _____ Company on the _____ Day of _____, and of Persons who have held Shares thereon at any Time during the Year immediately preceding the said _____ Day of _____, showing their Names and Addresses, and an Account of the Shares so held.

Folio in Register Ledger containing Particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Shareholders on the Day of	Additional Shares held by existing Shareholders during preceding Year.		Shares held by Persons no longer Shareholders.		
						Number.	Date of Transfer.	Number.	Date of Transfer.	

FORM

FORM F.

Form of Transfer of Shares.

Section XIX.

I of (*a*) in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in "The Company" standing in my Name in the Books of the Company, to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands, the Day of

(*a*) These Words will be omitted if no Consideration is paid.

FORM G.

Licence to hold Lands.

Section XXXVIII.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the " Association, Limited," to hold the Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert Conditions, if any*].

FORM H.

For England and Ireland.

Section. XLII.

Indenture of Mortgage made between the "London Gas Company, Limited," of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at

any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

Section XLIII.

FORM I.

For Scotland.

Bond and Disposition in Security by the "Edinburgh Gas Company, Limited," to "John Smith"

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispone to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns: The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

***

Procedure before Justices (Scotland).

Pleadings, &c. need not be reduced to Writing in certain Cases.

I. Where the Prosecutor shall in his Libel conclude for a Fine not exceeding Five Pounds, exclusive of the Costs of the Prosecution, which the said Magistrates and Justices are hereby empowered to give, or for Imprisonment not exceeding Thirty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Three Months, and under a Penalty not exceeding Ten Pounds, it shall be lawful to try such Offences without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the accused pleads Guilty, which shall be made to appear on such Record.

Forms of Procedure, &c. in such Cases.

II. The Forms of Procedure and Regulations applicable to such Trials shall be those which are established by the said recited Acts in regard to the summary Trial of Offences before the Sheriffs of Counties, and the Note of the Evidence to be taken on such Trials shall be made by the Clerk of Court, and shall be initialed at the End of each Witness's Evidence by the presiding Magistrate or Justice.

14 & 15 Vict. c. 27. as to Whipping, &c., and 17 & 18 Vict. c. 86., to apply to this Act.

III. The Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-seven, in regard to the Whipping of Juvenile Offenders, and in regard to Sentences to Hard Labour, and the Provisions of the Act Seventeen and Eighteen *Victoria*, Chapter Eighty-six, shall extend and apply to Sentences pronounced under this Act.

Writers elected to Office of Magistrates may act as Justices of the Peace.

IV. Any Writer, Attorney, Procurator, or Solicitor who may be elected to the Office of Magistrate or Dean of Guild of any Burgh, the Magistrates or Dean of Guild of which are *ex officiis* Justices of the Peace by virtue of their Election to such Offices, shall, so long as he holds any such Office, be entitled to act as a Justice of the Peace, provided he intimates to the Clerk of the Peace for the County in which such Burgh is situated that he and any Partner or Partners in Business with him cease to practise before any Justice of the Peace Court in such County, so long as he continues to hold such Office as aforesaid; and it shall not be lawful for him or them thereafter, and during his Continuance in Office, so to practise.

Act not to supersede Local Acts.

V. Nothing in this Act contained shall be held to supersede the Provisions of any Local Act regulating the Procedure before Magistrates or Justices of the Peace in any Burgh or County.

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ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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SCHEDULE.

53 G. 3. c. cxxxiii. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Neat Enstone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the Green in the County of Oxford, and for making a new Branch of Road to communicate therewith.

54 G. 3. c. xv. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Warwick Road near Solihull to the Guide Post in Kenilworth, and from Stonebridge to meet the aforesaid Road at Balsall Common in the County of Warwick, so far as respects the said Road from Stonebridge to Balsall Common, and from thence to the said Town of Kenilworth.

54 G. 3. c. xxx. An Act for continuing the Term and enlarging the Powers of an Act of the Thirty-third Year of the Reign of His present Majesty, for repairing and widening the Road from Selby Ferry in the Parish of Hemingbrough to the Town of Market Weighton in the East Riding of the County of York.

54 G. 3. c. xlix. An Act to continue the Term and alter and enlarge the Powers of Three Acts of His present Majesty, for amending the Road from Besselsleigh through Wantage to Hungerford in the County of Berks, and other Roads in the said Acts mentioned, in the said County and in the County of Wilts.

54 G. 3. c. li. An Act for amending, widening, and keeping in repair the Road leading from Sturry Street to Herne Bay in the County of Kent.

54 G. 3. c. lix. An Act for continuing and amending Two Acts of His present Majesty, for repairing the Road from the Guide Post at the West End of the Town of Hampton over Sunbury Common to the Town of Staines in the County of Middlesex.

54 G. 3. c. cci. An Act for repairing the Roads from Harrowgate through Ripley and Ripon to Hutton Moor, and from Kirkby Hill Moor to Ripon, in the County of York.

55 G. 3. c. xiv. An Act for repairing the Road from Haslingden through New Church and Bacup to Todmorden, and for making and maintaining several Branches therefrom, all in the County Palatine of Lancaster.

55 G. 3. c. xxxv. An Act for more effectually repairing the Road leading from Royston in the County of Hertford to Wandesford Bridge, and from the Town of Huntingdon to Somersham in the County of Huntingdon, so far as respects the Middle Division and separate District of the said Roads.

55 G. 3. c. xxxviii. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.

55 G. 3. c. xlviii. An Act for repairing the Road from Sutton in the County of Surrey, through the Borough of Reigate, by Sidlow Mill, to Povey Cross, and several other Roads therein mentioned, in the same County.

59 G. 3. c. xcix. An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Northampton.

An

Turnpike Acts Continuance

An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from Wigan to Golborn and Warrington, into the Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster. 1 G. 4. c. xiv.

An Act for enlarging the Term and Powers of an Act passed in the Thirty-seventh Year of His late Majesty, for repairing the Road from Hulmes Chapel in the County Palatine of Chester, to the South Bridge in Chelford in the said County. 1 G. 4. c. xvii.

An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow and elsewhere in the County of Salop. 1 G. 4. c. xxxiii.

An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon by Ingram Bank to the Town of Pateley Bridge in the County of York. 1 & 2 G. 4. c. xi.

An Act to continue the Term and alter and enlarge the Powers of Three Acts, for repairing and widening several Roads leading from the Town of Bewdley in the County of Worcester to the several Places therein mentioned in the Counties of Worcester and Salop respectively. 1 & 2 G. 4. c. lxxxix.

An Act for amending, widening, altering, and keeping in repair the Road from the upper Part of Leeming Lane in the Town of Mansfield, opposite to the End of Bath Lane, to the Turnpike Road leading from Worksop to Kelham at or near the Corner of Worksop Brecks, all in the County of Nottingham. 3 G. 4. c. xxxvii.

An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty as relates to the Toll Gate and to the Tolls payable by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road. 3 G. 4. c. xxxix.

An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey. 3 G. 4. c. lxvii.

An Act for more effectually repairing the South District of the Road from Royston in the County of Hertford to Wandesford Bridge in the County of Huntingdon. 3 G. 4. c. lxviii.

An Act for continuing the Term and altering and enlarging the Powers of several Acts, passed in the Reign of King George the Second and His late Majesty King George the Third, for repairing the Road from Westwood Gate in the County of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane in the County of Northampton. 3 G. 4. c. lxxxvi.

An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several Roads leading from the Hundred 3 G. 4. c. lxxxix.

Hundred House in the County of Worcester, and also several other Roads therein mentioned.

4 G. 4. c. xxxi. An Act for repairing and improving the Road from Otley to Skipton in the County of York.

5 G. 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.

5 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Road from Wilmslow Bridge in the County of Chester, through Nether Alderley and Congleton, to or near the Red Bull in Church Lawton in the said County.

5 G. 4. c. xcviii. An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of Langport, Somerton, and Castle Cary, in the County of Somerset, and for making and improving other Roads in the said County.

6 G. 4. c. xxvii. An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster; and for making and maintaining several new Branches to communicate therewith.

6 G. 4. c. lii. An Act for amending and repairing the Turnpike Road leading from the North End of the Town of Rotherham to the East Side of Tankersley Park in the County of York.

6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4. c. cxlvi. An Act for amending, repairing, and maintaining the Road from Worksop in the County of Nottingham to the North-east End of Attercliffe in the County of York.

7 & 8 G. 4. c. lvii. An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned.

9 G. 4. c. iv. An Act for repairing and improving the Road from Newcastle-under-Lyme to Leek, and several Branch Roads, all in the County of Stafford.

9 G. 4. c. xxxii. An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from High Bridges to Uttoxeter, and from the Newcastle Road at Spath, near Uttoxeter, to the Leek Road at or near Hanging Bridge in the County of Stafford.

9 G. 4. c. ci. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from Wells next the Sea to Fakenham in the County of Norfolk, and other Roads connected therewith.

1 & 2 W. 4. c. xxxii. An Act for amending certain Roads in the County of Somerset, and for placing them and other Roads under the Care and Management of the Trustees of the Langport, Somerton, and Castle Cary Roads.

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CAP. L.

An Act to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons.

[14th *July* 1856.]

WHEREAS it is expedient to authorize the Sale of Advowsons in Cases where the same are vested in, or in Trustees for, Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, and deriving no pecuniary Advantage therefrom, in order that the Monies arising from such Sales may be applied to the Erection, Rebuilding, or Improvement (where necessary) of Parsonage Houses, and to the Augmentation of the Livings (where the same are small), and to other beneficial Purposes as herein-after provided; and that other Powers should be conferred upon such Persons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the following Words shall have

Interpretation of certain Terms.

have in this Section and elsewhere in this Act the respective Meanings hereby assigned to them; that is to say,

The Word "Advowson" means an Advowson vested in Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, or in Trustees appointed by or acting on behalf of such Persons, such Persons deriving no pecuniary Advantage from the Exercise of such Right, but does not mean an Advowson belonging to any endowed Charity within the Provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," or either of them:

The Word "Owners" means the Inhabitants, Ratepayers, Freeholders, or other Class of Persons in whom, or in Trustees for whom, an Advowson is vested, such Persons deriving no pecuniary Advantage therefrom:

The Words "existing Trustees" mean the Trustees in whom for the Time being an Advowson is vested, by virtue of any Act of Parliament, Deed, or other Instrument, in trust for or on behalf of such Owners, and includes the Survivors and Survivor of such Trustees:

The Words "elected Trustees" mean the Persons appointed by the Owners under the Provisions of this Act to effect the Sale of an Advowson, and includes the Survivors and Survivor of such Trustees:

The Word "Trustees," without the Addition of the Words "existing" or "elected," includes both Classes of Trustees herein-before defined:

The Word "Incumbent" means the Rector, Vicar, or Perpetual Curate, as the Case may be, of a Church or Ecclesiastical Benefice, the Advowson of which is to be dealt with under this Act, and includes the Officiating Clergyman for the Time being if the Incumbent reside abroad or be incapable of acting.

Power to direct Sale of an Advowson where required by Owners present at a Meeting convened for the Purpose.

II. The Owners of an Advowson may direct the Sale of such Advowson; and the Incumbent for the Time being of the Church or Benefice, if required in Writing by Ten Owners, shall convene a Meeting of the Owners, to be held at some convenient Place near to the Church, for the Purpose of deciding whether or not such Advowson shall be sold; and every such Meeting shall be called by Public Advertisement, to be inserted once at least in Four consecutive Weeks in some Newspaper circulating in the County and Neighbourhood in which such Church shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting, and Notice of such Meeting shall also, not less than Fourteen Days prior to the holding thereof, be affixed upon the Door of such Church.

III. At

III. At the Meeting so called the Incumbent for the Time being (if present) shall be the Chairman, and if he be absent, then One of the Owners present, being appointed by the other Owners present, shall be the Chairman, and the Decision of the Majority of the Owners then present shall bind the Minority and all absent Parties.

Majority of Owners present to bind Minority.

IV. Such Meeting shall consider and determine the Question whether the Advowson shall be sold, and if that Question be resolved in the Affirmative, the existing Trustees (if such there be) shall be the Persons to execute the Purposes of this Act; but if there be no existing Trustees, the Owners shall proceed to appoint at that Meeting, or at some Adjournment thereof, not less than Five nor more than Eleven Persons, being Owners, to be "elected Trustees" for the Purposes of this Act, and the Incumbent for the Time being shall be *ex officio* an "elected Trustee" in addition to the Trustees so appointed.

Meeting to decide Question of Sale, and if decided in Affirmative to appoint Persons to be "elected Trustees."

V. A Certificate under the Hands of Two Justices (not being themselves Owners) having Jurisdiction in the Parish, Township, District, or Place within which the Church or Benefice in question is situate, certifying that the Consent of the Owners to a Sale of the Advowson has been duly obtained, and (in those Cases where it is necessary that "elected Trustees" be appointed) containing the Names, Residences, and Description of the "elected Trustees," shall be sufficient Evidence of such Consent and of such Appointment, and any Two Justices having Jurisdiction as aforesaid are hereby authorized and required, on Application to them made, and on being duly satisfied of the Truth of the Facts, to certify accordingly.

Certificate by Two Justices of Consent of Owners being obtained, and of Names of "elected Trustees" (if any), to be sufficient Evidence.

VI. Immediately upon the Grant of such Certificate the Advowson shall become absolutely vested in the Trustees for the Purpose of effecting such Sale, freed from all the Uses, Trusts, and Declarations for the Benefit of or otherwise relating to the Owners then affecting the same, but subject to the Right, Title, Estate, or Interest (if any) of every other Person therein; and the Trustees shall, as soon thereafter as conveniently may be, sell the Advowson by Public Auction or by Private Contract, and subject to any special Conditions, as to them shall seem expedient, and may buy in the same at any Auction, and re-sell the same by Public Auction or by Private Contract, without being answerable for any Loss which may happen by such Re-sale, and shall have full Discretion in the Premises, and may execute and do all Contracts, Deeds, and other Acts necessary for effecting such Sale.

If determined to sell Advowson, the same to become absolutely vested in Trustees, and Trustees to proceed to Sale.

VII. Any

As to Conveyance of the Advowson.

VII. Any Conveyance of an Advowson in pursuance of this Act shall be by Deed (duly stamped) under the Hands and Seals of any Three of the Trustees, in which the Consideration shall be truly stated.

Receipts of Trustees to be sufficient Discharges.

VIII. The Receipt in Writing of Three of the Trustees for any Money paid to them by a Purchaser of the Advowson shall be an effectual Discharge to such Purchaser for the Sum which in such Receipt shall be acknowledged to be received, and such Purchaser shall not be obliged to see to the Distribution of such Money, or be otherwise answerable or accountable for the Loss, Misapplication, or Nonapplication thereof.

Application of Monies.

IX. The Monies to be received by the Trustees from or by means of such Sale shall be applied by them in the following Order:

1st. In Payment of the Costs, Charges, and Expenses occasioned by any Meeting of Owners as aforesaid, and by the Execution of the Powers by this Act conferred upon the Trustees, or incident thereto, respectively:

2d. If there be no Parsonage House attached to the Advowson so sold, or if the Parsonage House attached thereto be dilapidated or insufficient, then in Payment of the Expense of erecting a Parsonage House, and of providing a Site for the same, or in the Reconstruction or Repair of the existing Parsonage House, or in making any requisite Additions thereto, as the Circumstances of the Case may require:

3d. If the Living be under the gross yearly Value of One hundred and fifty Pounds, then in investing a Sum sufficient to produce an annual Income which, together with the existing annual Income, will raise the yearly Value of the Living (exclusive of the Parsonage House) to not exceeding One hundred and fifty Pounds *per Annum:*

4th. If the Fabric of the Church be in such a State as to require immediate Repair, then in the Expenditure upon the Fabric of a Sum sufficient to place the same in sufficient Repair:

5th. In the Investment of a Sum the annual Income whereof will, in the Opinion of the Trustees, be sufficient to maintain the Fabric of the Church in complete Repair:

6th. In the Erection of Schools in connexion with the Church, or of a Chapel of Ease in the Parish, Township, Ecclesiastical District, or Place in which such Church is situate, or of a Parsonage House to a Chapel of Ease, or in providing a Site for a Chapel of Ease or Parsonage House, or in the Endowment of a Chapel of Ease, or in contributing to such Objects or any of them, as the Trustees may in their Discretion see fit:

7th. If

7th. If there be no such Purposes to which such Monies are applicable, or if there be a Surplus of such Monies after answering such Purposes, then such Monies, or the Surplus thereof, as the Case may be, shall be invested, and the annual Income thereof shall be applied, in aid of the Rates levied for the Relief of the Poor of the Parish, Township, or Place in which the Church is situate, or in aid of any Improvement Rate levied therein:

Provided always, that the Owners at any Meeting convened and held in manner herein-before provided may determine that any One or more of the Objects mentioned in the Fifth, Sixth, and Seventh Heads of Application respectively shall have Priority over any other Object mentioned in those Heads.

As to investing Monies.

X. The Trustees shall from Time to Time invest any Monies by this Act directed to be invested by them in the Purchase of any Government or Bank of *England* or *East India* Company's Stock or Securities, or on Mortgage of Freehold or Copyhold Lands in *England* or *Wales*, or in the Mortgages or Bonds of any Company incorporated by special Act of Parliament, as they may deem fit.

Concurrence of Two Thirds of Trustees necessary to give effect to Resolutions.

XI. The Concurrence of Two Thirds at least of the whole Number of Trustees shall be necessary to give effect to any Resolution of the Trustees, and every Resolution of the Trustees in which that Number shall concur shall be binding upon the other Trustees and upon the Owners on whose Behalf such Trustees are authorized to act.

For supplying Vacancies in the Number of Trustees.

XII. If any of the Trustees, before the complete Execution of the Trusts by this Act devolved upon them, should become incapable or unwilling to act or reside abroad, the Vacancies may, in the Case of existing Trustees, be supplied in the Manner provided by the Act of Parliament, Deed, or Instrument regulating their Proceedings; and in the Case of elected Trustees the Vacancies may be supplied by the Owners at any Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson; and a Certificate of Two such Justices as aforesaid, and which such Justices, on being satisfied of the Truth of the Facts, are hereby authorized and required to grant, that such Vacancies have been supplied, and containing the Names, Residences, and Descriptions of the new Trustees, shall be conclusive Evidence of the Facts, and thereupon such new Trustees shall have the same Property, Rights, and Powers in and with respect to the Advowson as the Trustees in whose Place they were appointed.

Trustees not to be accountable for involuntary Losses.

XIII. Trustees acting by virtue of this Act shall not be answerable or accountable for the Acts, Neglects, or Defaults of any Co-Trustee, or for any Agent or Banker appointed by the Trustees, or for any Loss, except such as shall happen through their own wilful Act, Negligence, or Default.

Vacancies in the Incumbency before Sale to be filled up.

XIV. In case of the Death, Cession, or Resignation of any Incumbent of a Benefice after the Owners shall have directed the Advowson of such Benefice to be sold, but before the Sale shall have been effected, then the Persons in whom the Right of Presentation and Nomination would but for this Act have been vested shall (under and subject to the Conditions under which such Right would but for this Act have been exercised) present and nominate a Person to such Benefice as if this Act had not been passed.

Owners may consent to Advance of Money for Purposes authorized by 17 G. 3. c. 53., 21 G. 3. c. 66., 7 G. 4. c. 66, and 1 & 2 Vict. c. 23.

XV. The Owners of an Advowson, at a Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson, may consent to the borrowing of Money from "The Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy," or from any other Society or Persons, for the Purposes authorized by the Acts of the Seventeenth Year of King *George* the Third, Chapter Fifty-three, the Twenty-first Year of King *George* the Third, Chapter Sixty-six, the Seventh Year of King *George* the Fourth, Chapter Sixty-six, and the First and Second Years of Queen *Victoria*, Chapter Twenty-three, as fully and effectually as any Patron absolutely entitled to an Advowson not within the Provisions of this Act may lawfully do.

Certificate of Justices' Evidence of Consent.

XVI. The Certificate of Two such Justices as aforesaid, which they are hereby authorized and required to grant on being satisfied of the Truth of the Fact, that such Consent has been duly given, shall be conclusive Evidence of the Fact, and such Certificate shall, for all Purposes whatever, be deemed the Consent of the Patron within the Meaning of those Acts.

Extent of Act.

XVII. This Act shall extend only to *England* and *Wales*.

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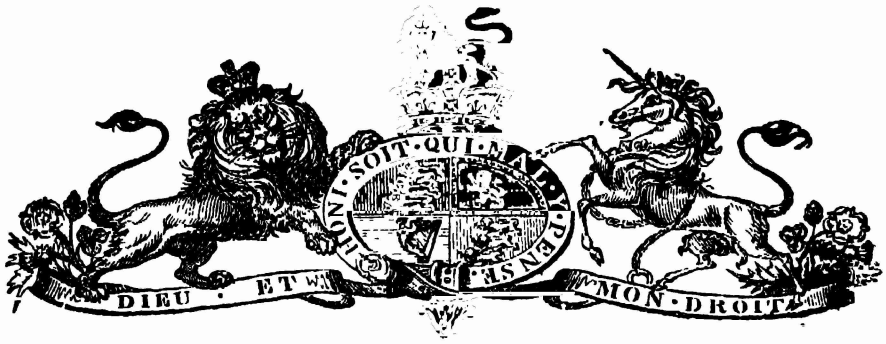

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Distillation from Rice.

How Duty to be charged in respect of Sugar used with other Materials.

II. Provided always, That where Sugar mixed with all or any of the other Materials aforesaid shall be used in the Distillation of Spirits, the Distiller shall be chargeable and charged with the Duty on Spirits in respect of such Sugar in the Manner and after the Rate or Proportion specified in the Third Section of the Act passed in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, with regard to Sugar used with any Mixture of Grain, Molasses, and Treacle.

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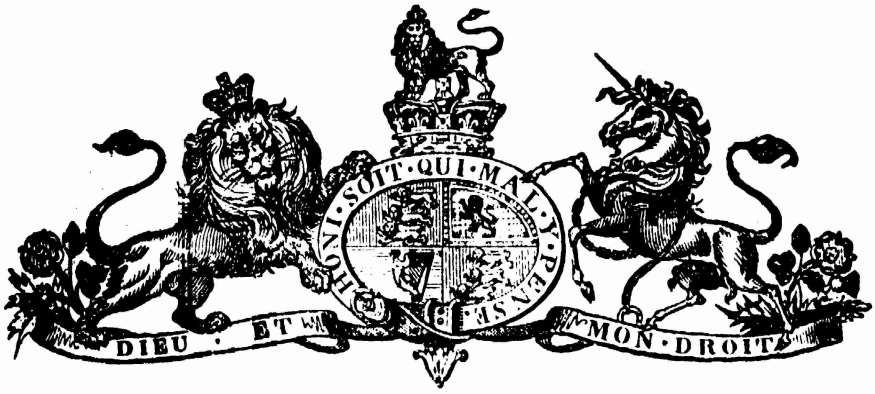

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Suspension by Order in Council.

any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

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SCHEDULE.

SCHEME.

As to General Management.

Corporation dissolved, and charity estate vested in governors.

1. The existing incorporation of the above-mentioned school, by the name of "The Preceptor or Master of the Free School of John Harrox in Moulton," or by any other name, is hereby dissolved, and the charity, and the estates and property thereof, shall from and after the establishment of this scheme be under the management and control of governors, to be called "The Governors of the Moulton Endowed Schools." The full number of governors shall be twelve, of whom the Vicar of Moulton, the Vicar of Whaplode, the Rector of Fleet, and the Vicar of Weston respectively for the time being shall by virtue of their respective offices always be four; and in the first instance the following persons shall be the other eight governors; that is to say, John Tatam of Moulton aforesaid, Esquire; Robert King of the same place, Gentleman; Robert Everard of Fulney House, Spalding, in the same county, Esquire; (being the three present non-official trustees of the charity;) and the Right Honourable Sir John Trollope of Casewick House near Stamford in the same county, Baronet; John Richard Carter of Spalding in the same county, Esquire; Joseph Chamberlain Barker of Holbeach, Esquire; Thomas Cammack of Spalding aforesaid, Esquire, M.D.; and Matthew Clark of Goddard's Hall, Moulton, Esquire.

Succession of governors.

2. The death, resignation, bankruptcy, insolvency, or removal from residence in the county of Lincoln of any non-official governor, or his refusal or incapacity to act, or neglect for a period of two consecutive years to attend any meeting of the governors, shall respectively create a vacancy in the office of such governor; and as soon as conveniently may be after the occurrence of any such vacancy, the remaining governors for the time being shall appoint some fit and proper person resident within the said county of Lincoln to fill such vacancy so as to keep up the full number of eight non-official governors.

Appointment of future governors.

3. Every appointment of a governor shall be made at some general or special meeting of the governors for the time being, and shall be forthwith notified by the chairman of the meeting or the clerk to the Charity Commissioners for England and Wales; and no such appointment shall be valid until approved by an order under the official seal of the said commissioners; and a minute or memorandum of every such appointment, when so approved, and of the order of the said commissioners approving thereof, shall be entered in the minute book kept for recording the proceedings of the governors, at the first meeting after the receipt of such order, and shall be signed by the chairman at such meeting; and such minute or memorandum shall be sufficient evidence of the appointment to which it relates.

The governors for the time being during any vacancy or vacancies in the governing body shall be competent to exercise all the authorities hereby vested in the governors.

Charity estate vested in governors for the time being.

4. All the real estate, of whatever tenure, now vested in the said corporation, or belonging to or held in trust for the charity, and all rights and privileges belonging to or held in trust for the charity, (subject to any subsisting leases thereof and charges thereon,) and the full benefit of all subsisting covenants, conditions,

conditions, and securities made or entered into with or reserved to the said corporation, or any person or persons in trust for or for the benefit of the charity, and all the personal estate belonging to the charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately and shall from time to time vest and continue vested in "The Governors of Moulton Endowed School" for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, surrender, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said corporation before its dissolution, or to or with any preceding governors of the said charity, shall be exerciseable in the name of "The Governors of Moulton Endowed School," as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding governors if still retaining their office: and in the same manner all contracts and liabilities of the said corporation before its dissolution, or of any preceding governors for the time being of the said charity, may be enforced against the governors thereof for the time being to the extent of the property or assets of the charity, but not against their private estates.

Copyholds.

5. The copyhold lands and hereditaments belonging to or held in trust for the charity may be enfranchised by the governors, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors of which the same lands and hereditaments respectively shall be held shall be entitled to the same fines, rents, services, and other benefits (if any) in respect of such lands and hereditaments, as they respectively would or might have been legally entitled to if this scheme had not been established.

Houses and buildings to be kept repaired and insured by governors.

6. The schoolhouses and masters' residences, with the buildings attached thereto respectively, and the other houses and buildings belonging to the charity, (which shall not be kept repaired and insured by the tenants thereof under any covenant or agreement in that behalf,) shall be kept repaired and insured by the governors out of the income of the charity.

Governors to let and manage the property.

7. The governors shall have the control and management of the charity property, and shall let the same (with the exception of the schoolhouses and premises) at the best annual rents, provided that no lease of the charity property or any part thereof be granted in reversion or for a longer term than fourteen years, without the sanction of the Charity Commissioners for England and Wales, and that every such lease shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on nonpayment of rent or nonperformance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease. No governor shall, either directly or indirectly, become a tenant or occupier of the charity estate or any part thereof, for his own benefit or for the benefit of any other person.

Leases to be executed and actions brought by any five governors.

8. Leases and other deeds and instruments for the letting or disposition of the charity estate or any part thereof may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them,

them, according to any order of the governors made at any meeting, and shall have the same effect as if executed by all the said governors; and the recital of any such order contained in any deed or instrument by which any such lease or other disposition shall be effected shall be primâ facie evidence thereof.

Stock committee.

9. The governors shall appoint some four of their number to be the persons into whose names any sums of stock to be purchased from time to time in trust for the charity shall be transferred, and who shall be called the "Stock Committee;" and as often as the number of the Stock Committee shall be reduced by vacancies to two, two other governors shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such Stock Committee.

Clerk and receiver.

10. The governors shall appoint a clerk and a receiver, who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. A master or assistant master of the Lower School may be appointed as clerk, but not as receiver. The governors may pay or allow to the clerk and receiver respectively, out of the income of the charity, such reasonable salary or remuneration as they may from time to time appoint. Any one of the governors may be appointed to execute the offices of clerk and receiver, or either of them, gratuitously. The receiver shall, unless he be one of the governors, give such security, before entering upon his office, as the governors shall direct.

Duties of clerk.

11. The duties of the clerk shall be to attend the governors at their meetings, to attend and give information to any committees appointed by the governors, to enter the minutes of the proceedings at meetings of the governors, to keep the accounts of the charity, and to prepare and send such statements thereof as the governors are bound to furnish under "The Charitable Trusts Act, 1853," or otherwise; to preserve, subject to the directions of the governors, all vouchers for payments on behalf of the charity; to make out annually a detailed account and statement of the receipts and payments in respect of the charity, and of its assets and liabilities (if any), which shall be vouched and passed before the governors at their first general meeting after Christmas Day; and to perform all such duties in respect of the charity and to the management thereof as the governors shall direct.

Duties of receiver.

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the charity property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors annually a report showing the state and condition of the charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the charity and its property, and the management thereof, as the governors shall direct.

Notice of meetings.

13. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each governor at his residence three clear days at the least previously to such meeting; and such notice shall specify the place and the day and hour for holding the meeting.

General meetings.

14. The governors shall hold not less than four general meetings in each year for transacting the business of the charity. And such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the governors shall have power from time to time to appoint some other day within thirty days next after any of

of the respective quarter days aforesaid for holding the then next quarterly meeting. The meetings shall be held in the schoolhouse, or in some other convenient place in the parish of Moulton, to be determined from time to time by the governors.

Special meetings.

15. If circumstances require it, any two or more of the governors for the time being may send a requisition to the clerk calling a special meeting; and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the governors of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice.

Quorum of meetings.

16. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, they shall proceed to elect a chairman from amongst the governors then present, and in the event of an equality of votes on the election of chairman the choice between the two persons proposed shall be determined by lot. The act and proceedings of a majority of governors present at any meeting properly held shall be binding on the whole body, but such acts and proceedings or any of them may be revoked or altered from time to time, wholly or partially, by the governors, or the majority of them, at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Majority of votes to be binding.

Adjournment of meetings.

17. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the governors, or any one or more of them present, or the clerk, if no governor be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting.

Appointment of a committee.

18. The governors may at any meeting appoint three or more of their body as a committee for the purpose of making any inquiry, or superintending or performing any specific act or duty which in the judgment of the governors may be more conveniently referred to such committee; but the acts and proceedings of such committee shall be reported to the governors from time to time at the then next general meeting.

Application of income.

19. The governors shall apply the clear yearly income of the charity (which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the houses and buildings belonging to the charity, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of executing the trust in pursuance of this scheme,) in manner following:—

1st. For interest on existing mortgage debt.

Firstly, In providing for the interest payable in respect of the principal mortgage debt with which the charity property now stands charged.

2d. For interest on money to be raised for purpose of scheme.

Secondly, In providing for the interest or annuity, and the instalments of principal in respect of the sum or sums (if any) to be raised for providing, building, altering, and fitting up the school buildings and premises as herein-after mentioned.

3d. For retiring pension to late master.

Thirdly, In paying to the Reverend Charles Moore, late master of the school, (who has consented to retire upon the annuity herein-after mentioned being secured to him,) an annuity of one hundred pounds during his

his natural life, by half-yearly payments, on the 6th day of April and the eleventh day of October in each year, the first of such half-yearly payments to be made on the eleventh day of October one thousand eight hundred and fifty-six.

4th. For salary of master of Upper School.

Fourthly, In paying to the master of the Upper School the annual stipend herein-after mentioned.

5th. For salary of master of Lower School.

Fifthly, In paying to the master of the Lower School the annual stipend herein-after also mentioned.

6th. For stipends of assistant masters and teachers of both schools.

Sixthly, In paying the respective stipends of the assistant masters and teachers (if any) to be appointed for the Upper and Lower Schools respectively under the provisions of this scheme.

7th. For expense of examination and prizes.

Seventhly, In paying the expense of the annual examinations at the said schools respectively, and of the prizes (if any) to be awarded thereat.

8th. Surplus income.

Eighthly, Any surplus income of the charity which shall remain after providing for the several payments aforesaid shall be invested periodically by the governors in the three pounds per cent. consolidated annuities, and the dividends thereon shall be invested from time to time in like manner, so as to form an "accumulation fund" of the amount and for the purposes herein-after mentioned; and, subject to the formation and continuance of such accumulation fund, such surplus income shall be applied by the governors in increasing the salaries of the masters or assistant masters of the schools respectively or otherwise for the benefit of the said schools or either of them, or to such other educational purposes for the benefit of the parish of Moulton and its vicinity as the governors shall, with the sanction of the Charity Commissioners for England and Wales, think fit. All proper expenses which shall have been incurred by the said late master or the present overseers or trustees in continuing the management of the charity or the conduct of the school up to the time when this scheme comes into actual operation shall be defrayed and paid by the governors out of the income of the charity.

Accumulation Fund.

20. The full amount of the "Accumulation Fund" to be raised and formed under the foregoing provision shall be one thousand pounds three pounds per cent. consolidated annuities, and no more. And such "Accumulation Fund" shall be applied by the governors, when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, in or towards the discharge (subject to the provision herein-after contained) of the said principal mortgage debt now charged on the charity estate, or of any principal debt to be hereafter borrowed by the governors on the security of the same estate under the provisions of this scheme, or, with the sanction of the Board of Charity Commissioners, in defraying the expense of any extraordinary repairs or additions to the buildings or other improvements of the charity estate or any part thereof. But the amount (if any) to be taken from time to time from the "Accumulation Fund" for any of the above purposes shall be replaced out of the annual surplus income of the charity, so as to keep up the same fund as far as possible to the aforesaid full amount of one thousand pounds. Subject to the foregoing provisions, whenever the "Accumulation Fund" shall be at the said full amount of one thousand pounds the dividends and annual income thereof shall be applied by the governors in or towards the expense of the ordinary

ordinary repairs of the charity estate, and subject thereto shall be applicable as part of the surplus income of the charity.

No payment shall be made by the governors out of the "Accumulation Fund" in or towards the discharge of the aforesaid subsisting mortgage debt during the continuance of the annuity of one hundred pounds payable to the said Reverend Charles Moore during his life under this scheme, unless such payment shall be required by the mortgagees.

Additions and alterations in school buildings.

21. The governors, with the sanction of the Charity Commissioners for England and Wales, may make all requisite or proper alterations in, or additions to, the master's house and other buildings, and may provide other houses or buildings, (if requisite for the purposes of the schools or either of them,) and may fit up the same respectively with the necessary fittings and apparatus for carrying on such schools, and may appropriate and lay out a suitable piece or pieces of the charity land as a play ground or play grounds for the use of the boys at such schools respectively; and the governors shall be at liberty, under the direction of the said commissioners, to raise on mortgage, or by way of annuity, upon the security of the whole or any part of the charity estate (except the school house and school buildings and premises), such sum or sums of money as may be necessary or proper for the foregoing purposes or any of them; and in the event of any sum being so raised on mortgage, the governors shall, out of the income of the charity, set aside annually, and vest in aid of the Accumulation Fund aforesaid, a sum of money equal to one thirtieth part at the least of the principal to be so raised.

Power to raise money.

Minutes of meetings.

22. The governors shall cause a proper minute book to be provided and kept, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings at the meetings, the reports of committees, and all other transactions of the governors relating to the charity. The minutes of the proceedings at each meeting shall be signed by the chairman thereof.

Accounts.

23. The governors shall also cause proper account books to be provided and kept, wherein shall be regularly entered an account of the receipts and payments on behalf of the charity, and such other particulars as the governors shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the governors after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and at least two of the other governors present at such meeting.

Cheques, &c.

24. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the governors, and by one at least of the other governors present at such meeting, and shall be countersigned by the clerk or by the governor (if any) filling that office.

Banker.

25. The governors may appoint a banker for the purposes of the trust, and may change such banker whenever they shall think fit.

Custody of documents.

26. The governors shall cause to be provided and kept, in some suitable place, a box or safe, with a secure lock, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, with a list thereof; and the contents of such box shall be examined by the governors at some meeting at least once in each year, and such box shall be kept locked.

Scheme to be printed.

27. This scheme shall be printed, and a copy given to every person who shall become a governor of the charity, and to every master and assistant master of the respective schools.

28. Upon

Alteration of scheme.

28. Upon application made by the governors to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme respecting the management of the charity, or the schools hereafter established, or either of them, which shall be found inconvenient or objectionable, may be modified or altered by an order of the said Board, provided that no alteration be made which shall be inconsistent with the main objects and provisions of this scheme.

Copies of scheme may be taken.

29. A copy of this scheme shall be kept with the books of account and other documents belonging to the charity, and all persons interested in the charity shall be at liberty to take copies of this scheme or any part thereof, (upon making an application for that purpose to the governors,) at such times and subject to such reasonable conditions as may be prescribed by the governors.

Doubts or disputes to be decided by Charity Commissioners.

30. If any doubt or question shall arise amongst the governors, or any of them, as to the construction or proper application of any of the provisions of this scheme, or the management of the charity, application may be made by the governors to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which, when given, shall be conclusive on the governors.

Interpretation.

31. In this scheme the following expressions, whenever used, shall respectively have the following meaning and effect; that is to say, the expression "the charity" shall mean the Moulton endowed schools established and regulated by this scheme.

The expression "the governors" shall mean the governors of the Moulton endowed schools appointed and to be hereafter appointed as provided by this scheme.

The expression "the schools" shall mean the Moulton endowed schools as established by this scheme.

AS TO THE UPPER SCHOOL.

Schoolhouse.

32. The Upper School shall be carried on in the house and buildings hitherto used or appropriated as the residence for the master of the school, subject and according to the provisions of this scheme; and the said house and buildings may, if necessary, be altered, added to, adapted, and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Appointment and qualification of master.

33. The first master shall be elected and appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and in case of any vacancy in the mastership by the death, resignation, or removal of such master, or of any future master, the governors shall elect and appoint a new master at some meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. The master shall be a member of the Church of England, and a graduate of one of the Universities of Oxford, Cambridge, Durham, or Dublin; and for the purpose of obtaining an efficient master the trustees shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Stipend to master.

34. The master shall be paid out of the income of the charity a fixed annual stipend of one hundred and fifty pounds, by half-yearly payments; and any master who shall die, resign, or be removed under the provisions of this scheme, shall

shall be entitled to a due proportion of his stipend, and of the portion of capitation fees payable to the master under the provisions of this scheme, from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Master to reside.

35. The master shall reside in and occupy the dwelling house and premises attached to the school, and not elsewhere; and he shall have the occupation and use of such house and premises in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises, at such time and to such person or persons as the governors may direct.

Master not to underlet residence.

36. The master shall not underlet, or permit any person except himself and family, and the boarders to be taken by him under this scheme, to occupy the dwelling house and premises appropriated to him as a residence, or any part thereof.

Master not to have other employment.

37. The master shall give his personal attention to the duties of the school, and shall devote his time exclusively thereto; and during his tenure of office he shall not accept or hold any benefice having the cure of souls, or any office or appointment which, in the opinion of the governors, may interfere with the proper performance of his school duties.

Master not to receive other than authorized fees.

38. Neither the master, nor any assistant master, shall receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment, other than as is prescribed or authorized by this scheme.

Boarders.

39. The master shall be at liberty to receive in his official residence such a number of boys as boarders as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments and other terms upon which boarders may be received by the master shall be authorized by the governors in the first instance, and shall be subject to revision by them, if and when they shall think fit.

Removal of master.

40. The master shall be liable to be removed from his office by the governors for any sufficient cause; and for the purpose of such removal a special meeting of the governors shall be called by notice upon a requisition to the clerk, signed by three at least of the governors; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the governors present, it shall be entered on the minutes, and signed by such of the governors as vote for the same; and the same resolution shall, after the interval of at least one calendar month, be submitted to another similar meeting duly called by notice, and if the same be confirmed by two thirds of the governors present at such last-mentioned meeting, such confirmation shall also be entered on the minutes; and a copy of such resolution and confirmation shall, within one week after the holding of such last-mentioned meeting, be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day.

Declaration to be signed by master.

41. Every master, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the governors, in the following form :- -

" I, , declare that I will always, to the best " of my ability, discharge the duties of master of the Upper School at Moulton, " during my tenure of the office, according to the provisions of the scheme for " the regulation thereof, and that in case I shall be removed from the master- " ship by the governors, according to the provisions of the same scheme, I will " acquiesce in such removal, and will thereupon relinquish all claim to the " mastership and its future emoluments, and will deliver up possession of the " school and school residence to the governors."

Appointment of assistant master.

42. When in the judgment of the governors the assistance of an additional master shall be required, and the funds of the charity shall be sufficient for the purpose, the governors may appoint some proper qualified person as assistant master of the school, and may also from time to time appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school; and for the purpose of obtaining an efficient assistant master, the governors shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Removal of assistant master.

43. The assistant master shall hold office during the pleasure of the governors, who may remove him from his office, by a resolution passed for that purpose, at any meeting, either with or without assigning a cause for such removal.

Stipend of assistant master.

44. The assistant master shall be paid out of the income of the charity such an annual stipend as the governors may think fit, not exceeding the annual sum of 80*l.* Any assistant master who shall be removed by the governors for cause assigned shall be entitled to a proportionate part of his stipend, and of the fees payable to the assistant master under this scheme, up to the day of his removal; but any assistant master who shall be removed without cause assigned shall be entitled to a quarter's notice, and to receive his stipend and proportion of fees up to the expiration of such notice, or shall, in lieu of notice, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's proportion of fees.

Additional teachers.

45. Whenever circumstances require it, and the income of the charity shall be sufficient for the purpose, the governors may appoint an additional teacher or teachers for the purposes of the school, and may pay to every such teacher such salary or stipend, not exceeding the annual sum of eighty pounds, as they shall see fit. Every such teacher shall hold office during the pleasure of the governors, and may be displaced by them at any time, with or without notice, as they shall see fit.

Instruction.

46. The instruction to be afforded in the school shall comprise the principles of the Christian religion, the Greek, Latin, French, and German languages and literature, elementary instruction in the sciences applicable to the practical arts, land surveying, drawing, and designing, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography and writing, and such other subjects of instruction as the governors may from time to time authorize or direct, with a view to providing

providing a sound religious, moral, and useful education. But it shall be in the discretion of the governors to defer any portion of the instruction hereinbefore specified which the funds for the school for the time being shall be insufficient to provide.

The school may be divided into such departments or sections for the purposes of the instruction to be given thereat as the governors may from time to time direct.

Religious instruction.

47. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys; and instruction in the liturgy and catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the governor or the master that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

48. Suitable prayers taken from the liturgy of the Church of England shall be read by the master every morning and evening in the school.

Attendance at church.

49. The boys, accompanied by the master, shall attend Divine Service at the parish church of Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds, and in such cases the master shall take care as far as possible that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

50. All boys residing in the wapentake of Elloe, of the age of eight years and upwards, being of good character, and able to read and write, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be qualified for admission thereto and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who may at any time order the admission into the school of boys residing elsewhere than in the wapentake of Elloe, if the accommodation at the school be sufficient for that purpose.

Election of boys.

51. The governors shall have the power of placing boys in the school, subject to any regulations which they may make from time to time at any meeting.

Register of boys.

52. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same, and such register shall always be open to the inspection of the governors, and of the persons authorized by them.

Suspension and expulsion of boys.

53. The governors shall have the power of dismissing and expelling any boy from the school for any breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors, and decided upon by them.

54. The

Endowed School at Moulton.

Capitation fees.

54. The boys attending the school shall pay capitation fees, as follows; viz.—Every boy under twelve years of age such sum not exceeding one pound per quarter, and every boy being twelve years of age and upwards, such sum not exceeding one pound five shillings per quarter, as the governors shall from time to time direct.

Such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the governors, in order that the same may be applied by them as directed by this scheme.

Foundation scholars.

55. The governors may, if they see fit, appoint boys from the Lower School to be foundation scholars in the Upper School, and may remit the payment of capitation fees in favour of such foundation scholars, either wholly or in part; provided that there shall not be more than six foundation scholars in the school at one time, and that no more than two such foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions, as the governors may from time to time prescribe; and such scholars (or any of them) may be appointed by the governors from time to time, upon the occasion of the annual examination of the Lower School, as herein-after mentioned.

Application of capitation fees.

56. The capitation fees received from the boys shall be applied by the governors first in providing the prizes and paying the examiner for the purposes of the examination directed by this scheme, and the clear residue of such fees shall be divided half-yearly into three parts, and two of such third parts shall be paid to the master in augmentation of his stipend, and the remaining one third part shall be paid to the assistant master (if any) in like manner, and if there be no assistant master such one third part shall be carried to the general account of the charity. Such payments to the master and assistant master (if any) shall be made half yearly, on such days as the governors may from time to time direct.

Stationery for scholars.

57. All printed books and stationery necessary for the use of the scholars shall be provided at the expense of the parents, relations, or friends of the scholars.

Firing and lights.

The master shall provide all requisite fuel, firing, and lights for the use of the school; and the governors, if they think fit, may allow and pay to the master out of the income of the charity such an annual sum not exceeding twenty pounds, as they may consider sufficient for those purposes.

Internal regulation of school.

58. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual examination.

59. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any sum not exceeding three pounds three shillings, for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the master of the school, and such other persons as the governors may from time to time invite to attend the same.

60 The

60. The governors may yearly, upon the occasion of such examination, distribute such prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of five pounds. Prizes.

As to the Lower School.

61. The Lower School shall be carried on in the schoolhouse and premises hitherto used as the grammar school, subject and according to the provisions of this scheme. Such schoolhouse and premises may be adapted and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose. Schoolhouse.

62. The master of the Lower School shall be appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and every vacancy in such mastership shall be filled up by the governors from time to time by a fresh appointment to be made at a meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the Lower School. And for the purposes of obtaining an efficient master, the governors shall, previously to making any appointment, advertise in such newspapers and receive such testimonials of candidates as they may deem expedient. Appointment of master.

63. The master of the Lower School shall be paid out of the income of the charity, in half-yearly payments, such an annual stipend not exceeding the sum of seventy pounds as shall be fixed from time to time by the governors. Stipend to master.

If the master shall be removed by the governors for cause assigned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation fees payable to the master under this scheme up to the day of his removal; but if he shall be removed without cause assigned, he shall be entitled to have a quarter's notice of such removal, and to receive his stipend and proportion of capitation fees up to the expiration of such notice, or in lieu of such notice he shall, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's portion of fees.

64. The master shall not at any time during the tenure of his office hold or exercise any other office, appointment, or employment whatsoever, except as permitted by this scheme. Master not to have other employment.

65. The governors, if they so think fit, may provide a suitable house and premises in the parish of Moulton for the residence of the master of the Lower School (either by renting, or by purchasing, or building the same,) out of the funds and resources of the charity; provided that no such house or premises shall be so purchased or built by the governors without the sanction of the Board of Charity Commissioners for England and Wales. Master's residence.

66. The master shall reside in the parish of Moulton, and in case any residence shall be provided for him by the governors, in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant, and he shall not underlet or part Master to reside.

with the possession of the same residence and premises, or any part thereof, and in case of his removal he shall deliver up possession thereof to the governors, or as they shall direct.

Removal of master.

67. The master shall hold office during the pleasure of the governors, who may from time to time remove him from his office as they shall see occasion, at a meeting to be duly convened for that purpose, either with or without assigning cause for such removal.

Declaration to be signed by master.

68. Every master previously to entering into office shall be required to sign a declaration to be entered in the minute book of the governors in the following form:—

"I, , declare that I will always, to the best of my "ability, discharge the duties of master of the Lower School at Moulton during "my tenure of the office, according to the provisions of the scheme for the "regulation thereof; and that in case I shall be removed by the governors "I will acquiesce in such removal, and will thereupon relinquish all claim to "the mastership and its future emoluments, and will deliver up possession of "the school and school residence (if any) to the governors."

Assistant master or teachers.

69. If circumstances require it, and the funds and resources of the charity shall be sufficient, the governors may from time to time appoint an assistant master, and any additional teacher or teachers, for the purposes of the school, at such respective salaries, not exceeding the annual sum of fifty pounds for each such salary, as the governors may think proper; and such assistant master and teachers respectively may be at any time removed by the governors with or without notice or cause assigned.

Masters not to receive other than authorized fees.

70. Neither the master nor any assistant master or teacher shall at any time receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment other than as is prescribed or authorized by this scheme.

Instruction.

71. The instruction to be afforded in the Lower School shall be in the principles of the Christian religion, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping; and elementary instruction shall be given in the sciences applicable to trades and useful pursuits, and in such other subjects as the Governors may from time to time authorize or direct, with the view of providing a sound, moral, religious, and useful education adapted for the working, labouring, and other poorer classes. But the governors may defer any portion of the instruction herein-before specified which the funds of the school may be not sufficient to provide; and for the purposes of convenient instruction they may divide the school into such departments or sections as they may think fit.

Religious instruction.

72. Religious instruction shall be given by the master at such times as he shall think best, by reading and explaining the Holy Scriptures to all the boys; and instruction in the catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the master or the governors that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

73. Suitable prayers, taken from the liturgy of the Church of England, shall be read by the master every morning and evening in the school.

74. The

Endowed School at Moulton.

74. The boys, accompanied by the master, shall attend Divine Service in the parish church at Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds; and in such case the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays. Attendance at church.

75. All boys residing in the parish of Moulton of the age of six years and upwards, and being of good character, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be capable of admission to the Lower School, and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of seventeen years; and the admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who, if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from any of the neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Moulton. Qualification of boys.

76. The governors shall have the power of placing the boys in the school, subject to such regulations as they may from time to time prescribe at any meeting. Election of boys.

77. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the respective periods of their being admitted to and leaving the same; and such register shall always be open to the inspection of the governors and of the persons authorized by them. Registry of boys.

78. The boys at the school shall be liable to dismissal or expulsion by the governors for any breach of the rules, or for theft, immorality, indecent conduct, or insubordination, or other sufficient cause; and the master shall have power immediately to suspend any boy guilty of any such misconduct from further attendance at the school, until the case can be reported to the governors, and decided upon by them. Suspension and expulsion of boys.

79. The governors shall be at liberty to direct that the boys attending the school shall pay capitation fees as follows; viz.—Every boy under twelve years of age, such sum not exceeding four shillings per quarter, and every boy, being twelve years of age and upwards, such sums not exceeding six shillings per quarter, as the governors may from time to time authorize or direct; and all capitation fees (if any) to become payable under this provision shall be paid by each boy, or his parents or friends, in advance quarterly to the master, who shall account for the same to the governors; but the governors may, in particular cases, if they see fit, direct that such capitation fee may be paid weekly or monthly; and they may, on the ground of poverty or other sufficient reason, excuse in special cases the payment of such capitation fees, either wholly or in part. Capitation fees.

80. The capitation fees (if any) to be received from the boys shall be paid and applied by the governors as follows; viz.—Two third parts thereof shall be paid half-yearly to the master of the school, in augmentation of his stipend, and Application of capitation fees.

and the remaining one third part shall be applied towards increasing the remuneration of the assistant master or teachers of the school respectively (if any), or in providing prizes for the boys as herein-after mentioned, or for the general purposes of the charity, as the governors, in their discretion, shall think fit.

Stationery for scholars

81. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by and at the expense of their respective parents, relations, or friends; but the trustees shall be at liberty to dispense with this provision in cases of necessity arising from poverty or other sufficient cause.

Firing, lights, and attendance.

82. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the schoolhouse, shall be provided by the governors out of the income of the charity.

Internal regulation of school

83. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual examination

84. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding one guinea for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the masters of the Upper and Lower Schools, and such other persons as the governors may from time to time invite to attend the same. With the approbation of the governors, either the master or assistant master of the Upper School may act as the examiner at any such annual examination; but in that case no payment shall be made to such master or assistant master respectively for their respective services.

Prizes.

85. The governors may yearly, upon the occasion of such last-mentioned examination, distribute such and so many prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no such single prize shall exceed in value the sum of 10*s.*, and that the whole amount to be expended in such prizes in any one year shall not exceed the sum of two pounds. Subject to the provision herein-after contained respecting the foundation scholars to be appointed in the Upper School, the appointment to such foundation scholarships may be made the subject of competition at the said annual examinations at the Lower School; and such appointments may be given by the governors from time to time to the boys who upon the occasion of such examination shall appear to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct.

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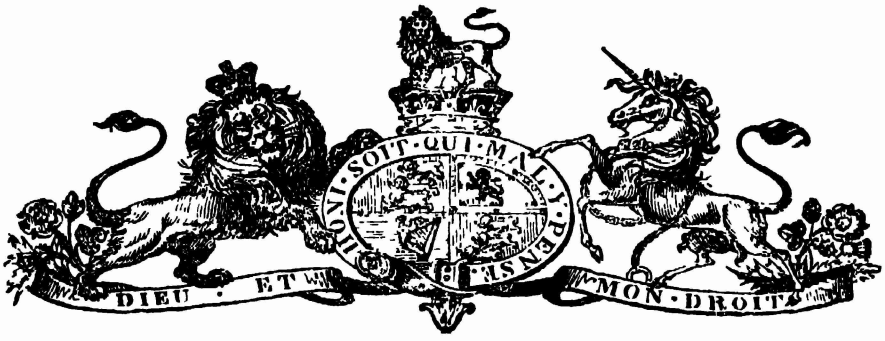

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endorsed on such Bill of Indictment; and the Foreman of such Grand Jury shall write his Initials against the Name of each Witness so sworn and examined touching such Bill of Indictment: Provided, however, that nothing in this Act contained shall affect any Fees by Law payable to any Officer of any Court for swearing Witnesses, but such Fees shall remain payable as if this Act had not passed.

Not necessary for Witnesses to be sworn in open Court.

II. From and after the passing of this Act it shall not be necessary for any Person to take an Oath in open Court in order to qualify such Person to give Evidence before any Grand Jury.

Interpretation of Terms.

III. The Word "Foreman" shall include any Member of such Grand Jury who may for the Time being act on behalf of such Foreman in the Examination of Witnesses in support of any Bill of Indictment; and the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in lieu of an Oath.

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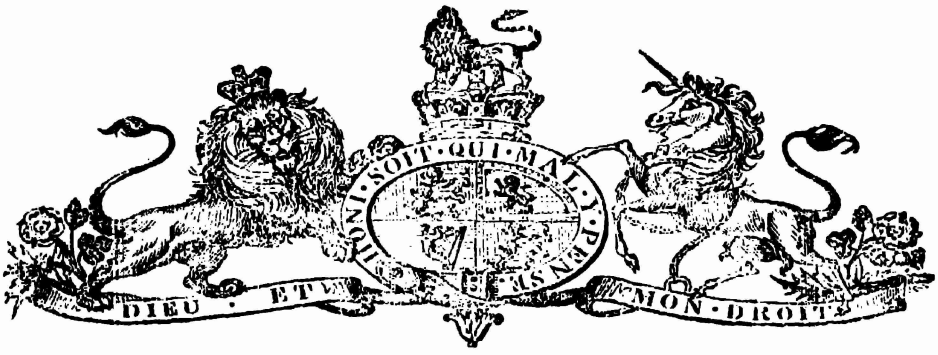

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Commissioners for *England*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Building Commissioners continued to 1st Jan. 1857, and thenceforth their Powers, &c. transferred to the Ecclesiastical Commissioners for England.

I. The Persons now or hereafter to be appointed to be Her Majesty's Commissioners for building new Churches shall continue to be such Commissioners, and their Commission shall continue in force until the First Day of *January* One thousand eight hundred and fifty-seven, and no longer, and immediately on the Determination of such Commission all the Duties, Powers, and Authorities vested in or which should or might have been performed or executed by such Commissioners shall become vested in and shall be performed and executed by the Ecclesiastical Commissioners for *England*; and all Lands, Hereditaments, Monies, Securities for Money, Property, and Effects whatsoever vested in or held in trust for the said Commissioners for building new Churches shall be vested in or (as the Case may require) be held in trust for the Ecclesiastical Commissioners for *England*, and all Monies due and payable or which would have become due and payable to the said Commissioners for building new Churches shall become due and payable and be raised and recovered by and paid to such Ecclesiastical Commissioners; and the Provisions of any Act of Parliament, and any legal Instrument in which Her Majesty's Commissioners for building new Churches are mentioned or referred, shall, upon the Determination of their Commission, become applicable to the said Ecclesiastical Commissioners, except as herein-after provided.

After Determination of Commission Section 11 of 58 Geo. 3. c. 45. repealed.

Compensation to Officers of Church Building Commission not continued in Office by Ecclesiastical Commissioners.

II. Section Eleven of the said Act of the Fifty-eighth Year of King *George* the Third shall from and after the said Determination of the said Commission be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such of the Persons in the Establishment of the said Commissioners for building new Churches, as may not be continued or employed by the said Ecclesiastical Commissioners, such Compensation as, having regard to the Nature of their Appointments and the Length of their Service, the said Commissioners of the Treasury may think fit: Provided, that every Person to whom any such Compensation is granted shall be subject in respect thereof to the Provisions contained in Sections Nineteen and Twenty of the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four; and the Compensations granted as aforesaid, and all such Charges and Expenses as might have been payable under the said Section Eleven of the said Act of the Fifty-eighth Year of King *George* the Third, if

if the same had not been repealed, shall respectively be paid from Time to Time out of such Monies as shall be provided by Parliament for the Purpose.

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CAP. LVI.

An Act to constitute the Court of Session the Court of Exchequer in *Scotland*, and to regulate Procedure in Matters connected with the Exchequer. [21st *July* 1856.]

WHEREAS the Practice and Procedure in the Court of Exchequer in *Scotland* have been found inconvenient and troublesome, and it is expedient that the whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer should be transferred to and vested in the Court of Session in *Scotland*, and that Provision should be made for the due Administration of Justice by the Court of Session in Exchequer Cases, and for all relative and necessary Proceedings in such Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Court of Session to be the Court of Exchequer in Scotland.

I. The whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer in *Scotland*, as at present constituted, shall be transferred to and vested in the Court of Session, and the Court of Session shall be also the Court of Exchequer in *Scotland*.

II. It

One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer Causes.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to nominate and appoint One of the Lords Ordinary in the Outer House of the Court of Session to be Lord Ordinary in Exchequer Causes under this Act; and the Lord Ordinary to be so appointed shall, unless where otherwise expressly allowed by this Act, be the sole Lord Ordinary in all Causes to be instituted or carried through before the Court of Session by virtue of this Act, and shall continue to act as Lord Ordinary in all such Causes so long as he shall continue a Lord Ordinary in the Outer House, or until another Lord Ordinary shall be nominated as aforesaid to act as Lord Ordinary in Exchequer Causes in his Room and Stead; and, unless where otherwise expressly provided by this Act, all Proceedings in Exchequer Causes under this Act shall be brought in the first instance before such Lord Ordinary.

Lord Ordinary in Exchequer Causes may act in Vacation as well as during Session; and in his Absence any other Lord Ordinary may act in his Room.

III. It shall be competent to the Lord Ordinary in Exchequer Causes at any Time, as well in Vacation or Recess as during the Sittings of the Court of Session, and on any Day or Days of the Year, whether Sederunt Days of the Court of Session or not, to entertain and dispose of all Matters of a summary Nature, or which may appear to the Lord Ordinary to require Despatch, being within his Competency under this Act, and also to try any Cause under this Act, and to pronounce Judgment therein, and in case of the Absence or Inability of the Lord Ordinary, any Duties devolving on him under this Act may, during such Absence or Inability, be performed by any other Lord Ordinary of the Court of Session acting in his Room and Stead.

Clerks to the Lord Ordinary in Exchequer Causes to be Clerks in such Causes; and additional Salary granted.

IV. The Depute and Assistant Clerks of Session attached to the Lord Ordinary in Exchequer Causes shall be Clerks in all such Causes in the Outer House; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Assistant Clerk of Session, in respect of the Increase of his Duties under this Act, an annual Allowance not exceeding Fifty Pounds *per Annum*, in addition to his ordinary Salary; and such Allowance shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose.

Exchequer Causes may be commenced by Subpœna.

V. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to commence any such Cause by issuing or causing to be issued against the Defender a Subpœna in the Form, as nearly as may be, of Schedule A. hereunto annexed, which Subpœna may be served upon the Defender and Execution of Service returned in the like Manner as any ordinary Summons before the Court of Session may be served and Execution thereof returned; provided that such Service may be made either by a Messenger-at-Arms, or

Sheriff

Sheriff Officer, or by an Excise Officer or other Officer of the Department of Inland Revenue, or any Officer of the Customs.

Subpœna to be called in Court as a Summons, and Procedure thereon.

VI. On the Expiration of the Induciæ of any such Subpœna, such Subpœna may be called in the Court of Session, and thereafter enrolled, in the like Manner as any ordinary Summons; and the Lord Ordinary shall, at the Outset of the Cause, unless the Information to which such Subpœna relates be then produced and lodged in Process, pronounce an Interlocutor allowing such Information to be lodged in Process, and no further Proceeding shall take place until such Information be lodged; and upon such Information being lodged a Copy thereof shall be served upon the Defender, unless such Service shall have been previously made; and the Transmission of such Copy through the Post, addressed to his known Residence or Place of Business, shall be deemed sufficient Service; and a Certificate by any One Person, written on the Information itself and signed, bearing that a Copy thereof has been served upon the Defender, shall be *primâ facie* Evidence of such Service having been duly made; and after the Information shall have been served as aforesaid, the Lord Ordinary shall, if the Defender shall admit the Truth of the Information, or of such Part thereof as may be insisted in against him, or do not appear, give Decree in Terms of the said Information, so far as the same shall be insisted in; and if the Defender shall appear, and shall not admit as aforesaid, the Lord Ordinary shall appoint a Day for hearing the Parties upon such Information, where this may appear to him to be necessary, or shall appoint a Day for trying the Matters put in Issue by such Information, without any Adjustment of any separate Issue or Issues, or shall take such other Course as to him may seem proper; and where a Day shall be so appointed for Trial, a Common or Special Jury (where a Special Jury shall be applied for and granted) shall be summoned and empanelled, as in any ordinary Jury Cause before the Court of Session to be tried by a Lord Ordinary in the Outer House; and the Lord Ordinary in Exchequer Causes shall preside at such Trial, and at all other Trials of Exchequer Causes under this Act, unless in any particular Case, upon a special Request by such Lord Ordinary to that Effect to either of the Two Divisions of the Court of Session, another Lord Ordinary shall be appointed to preside in his Stead; and the Verdict of the Jury may be in one or other of the Forms in the Schedule C. hereunto annexed, or in such other Form as may be applicable to the Case, and shall be subject to the Provisions of the Act of the Seventeenth and Eighteenth of Queen *Victoria*, Chapter Fifty-nine; and on such Verdict being given the Lord Ordinary presiding at the Trial shall pronounce Decree in conformity therewith, and as may be just and according to Law.

Form of Information in Causes commenced by Subpœna

VII. Every Information to be lodged in Terms of this Act shall be in the Form, as nearly as may be, of the Schedule B. hereunto

unto annexed; and it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to amend his Information at any Time before Verdict; provided that no such Amendment shall be made by the Lord Advocate after a Day has been fixed for Trial, unless upon Payment to the Defender of his Expenses previously incurred: Provided also, that it shall not be necessary to mention in any Information any Act of Parliament other than the Act imposing any Penalty or Duty claimed, or creating any Debt sought to be recovered; and provided further, that, notwithstanding the Terms of any such Information, it shall not be incumbent to prove against the Defender, in order to recover under such Information, any Matters stated therein, except only such Matters as are by Law required to be proved in order to the Forfeiture of the Penalty, or the Recovery of the Duty or Debt, or the Condemnation of the Seizure sought for.

Special Case may be lodged where Parties agreed upon the Facts.

VIII. Where in any such Cause commenced by Subpœna as aforesaid the Parties shall be agreed upon the Facts, and shall dispute only on the Law, it shall be competent for them to lodge in Process a Special Case, signed by themselves or their Counsel, setting forth the Facts on which they are so agreed and upon which the Question of Law arises, and such Special Case shall be equivalent to a Special Verdict finding such Facts, and raising a Question of Law for the Lord Ordinary.

Procedure in Cases commenced by Subpœna, so far as not expressly provided, how to be regulated.

IX. The Procedure in all Cases commenced by Subpœna as aforesaid shall, in so far as not specially provided for by this Act, be regulated by the Lord Ordinary, subject to any Rules and Regulations to be framed as after mentioned, in such Way and Manner as to the Lord Ordinary shall seem proper and expedient; and, in so far as not so regulated, shall be conducted as nearly as may be in conformity with the Procedure before the Court of Session in ordinary Actions; provided that Protestation shall not be applicable to any such Cases, nor shall any Record require to be made up by Defences, or revised Condescendence and Defences, or to be closed; provided also, that no such Cases shall fall asleep, or require to be wakened; but when any Exchequer Cause shall have lain over for such Period after the passing of this Act as in the Case of any ordinary Action before the Court of Session would have rendered such ordinary Action a sleeping Process, such Exchequer Cause shall not be moved in by the Lord Ordinary or the Court until the Expiration of Ten Days from the Date of written Notice being given by the Pursuer or Defender to the opposite Party in the Cause that the Cause is to be further proceeded with.

Proceedings may be commenced by Summons in place of Subpœna;

X. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, in place of proceeding by Subpœna and Information as herein-before provided, to commence any such Cause by a Summons in one or other of the Forms in Use in the Court of Session for the Time

Time being; and Proceedings may also be taken by Summons as aforesaid at the Instance of any Person or Persons alleging a Ground of Action against the Crown; and where such Cause shall be commenced by Summons, the whole Proceedings shall be conducted throughout as nearly as may be in the like Way and Manner as in Causes depending before the Court of Session, other than Exchequer Causes; and every such Summons to be raised on the Behalf of Her Majesty may contain Warrant to arrest on the Dependence; and all Diligence shall be competent upon every such Summons to be raised on the Behalf of Her Majesty, and upon any Warrant to arrest on the Dependence contained therein, and with such and the like Operation and Effect as upon any ordinary Summons, or Warrant to arrest on the Dependence contained therein before the Court of Session, according to the Law and Practice in Use in the said Court for the Time in ordinary Causes.

and Procedure under Summons to be the same as in Ordinary Court of Session Cases.

XI. Where any Seizure shall be made by any Officer entitled to make such Seizure, where judicial Condemnation thereof shall be requisite in the Court of Session, an Appraisement of the Articles comprehended therein shall be made in the Form, as nearly as may be, of the Schedule D. hereunto annexed; and such Appraisement shall be lodged in the Office of the Clerk of Court attached to the Lord Ordinary within Thirty Days after such Seizure, and such Appraisement of Seizure shall be included by the said Clerk of Court, and published in the Weekly Calling List of the Court of Session not later than Fourteen Days after being lodged with him as aforesaid; and a Claim for the Articles comprehended in such Seizure, or any of them, in the Form, as nearly as may be, of the Schedule E. hereunto annexed, may be lodged with the said Clerk of Court at any Time within Eight Days from the Date of the Calling of such Appraisement as aforesaid; and it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, or to the Party claiming such Seizure, to enrol such Appraisement of Seizure in the Weekly Roll of Court of Session Causes at any Time after the Expiration of the said Eight Days; and at the calling of such Appraisement in the said Weekly Roll, if no Claim to such Seizure shall have been lodged, the Lord Ordinary shall pronounce Decree of Condemnation of such Seizure, and thereupon such Seizure shall belong to and be at the Disposal of the Crown; and if a Claim to such Seizure shall have been lodged as aforesaid, the Lord Ordinary shall pronounce an Order upon the Lord Advocate to lodge an Information of Seizure on the Behalf of Her Majesty; and, upon such Information of Seizure being lodged, the Procedure shall thenceforward be conducted, as nearly as may be, in the like Manner as in ordinary Causes commenced by Subpœna and Information, in Terms of this Act.

Procedure in Cases of Seizure.

Court of Exchequer (Scotland).

Procedure in lieu of Writs of Capias, &c.

XII. Where any Cause may, at the Date of the passing of this Act, be competently commenced before the Court of Exchequer by Writ of Capias, or where, at the Date of the passing of this Act, it is competent to apprehend the Defender or Person complained of, in order that he may find Security to appear and answer, or to pay the Penalties, Duties, or Debt sought to be recovered, it shall be competent to pray or conclude in any Information, Summons, or Proceeding to be raised under this Act for Warrant to apprehend such Defender or Person complained of; and such Warrant shall be granted by the Lord Ordinary on Production to him at any Time, whether during Session or not, of the Information or other Writ containing such Prayer or Conclusion, although the same may not have been served, or called, or enrolled; and in every such Case the Defender, or Person complained of, when apprehended, shall be bound with Two sufficient Sureties, to the Satisfaction of the Prosecutor or of the Lord Ordinary, to appear and answer in the Proceeding brought against him as aforesaid, and to pay the Penalties, Duties, or Debt sought to be recovered, if he shall be found liable therein, or such Sum or Sums as under such Proceeding he may be found liable to pay; and failing his finding such Security, the Lord Ordinary shall grant Warrant for detaining him in Prison, and he shall be detained in Prison accordingly, until such Security be found, or until the Issue of such Proceeding, or until he be liberated in due Course of Law.

Procedure in lieu of Writs of the Pipe.

XIII. In all Cases where, according to the Practice of the Court of Exchequer at the Date of the passing of this Act, any Rentcharges or Penalties may be levied by Process of the Pipe, it shall be competent for the Lord Ordinary in Exchequer Causes, and he is hereby required, upon the Production to him of a Certificate by any Person charged with the Recovery or Collection of such Rentcharges or Penalties, setting forth that any such Rentcharge or Penalty is due, and the Amount and other Particulars thereof, and the Party or Parties indebted therein, and that he has been unable to recover the same, to issue *ex parte*, and without the Form of any written Application, a Decree decerning and ordaining such Party or Parties to make Payment of such Rentcharge or Penalty; provided, that all Penalties which may be incurred in One County or Stewartry may be included in One Decree and Charge: Provided also, that any Charge to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by the Party against whom the same is directed, but no such Suspension shall be competent before a Charge has been given.

Procedure in lieu of Injunction.

XIV. In all Cases in which, if occurring at the Date of the passing of this Act, any Person or Persons would be liable to be stayed by Injunction furth of the Court of Exchequer, whether in respect of such

such Person or Persons prosecuting or threatening to prosecute before any Court other than the Court of Exchequer in any Matters connected with the Revenue, or with the Proceedings of Officers of the Revenue, or in any other Matters as to which exclusive Jurisdiction is at present possessed by the Court of Exchequer, or otherwise, it shall be competent to apply to the Lord Ordinary in Exchequer Causes to restrain such Person or Persons by Interdict from following out such Prosecution in another Court or otherwise, according to the Circumstances of the Case; and such Application may be made by a Note of Interdict having a Statement of Facts and Note of Pleas in Law appended thereto, all as nearly as may be in the Form at present in Use in the Court of Session; and such Note of Interdict shall be lodged in the Office of the Clerk of Court attached to the said Lord Ordinary, and shall be forthwith submitted by such Clerk to the said Lord Ordinary, who may thereupon at once grant Interdict or at once refuse to grant it, or appoint such Note of Interdict in the first place to be served, and if need be to be answered, or Parties to be heard thereon with or without Answers, and may thereupon give Decree granting or refusing Interdict, or may take such other Course in regard to such Application for Interdict as to him may seem proper; provided, that where Interdict shall be granted as aforesaid with reference to any Cause requiring to be instituted within a limited Time, or which, if not instituted within a limited Time, may be competently objected to as not timeously brought, the Time which may have elapsed between the Date of the Service of such Interdict and the Date of the Institution of such Cause to which such Interdict relates, with Ten Free Days in addition thereto, shall be added to the Period limited as aforesaid, and such Cause shall be deemed and taken to be timeously brought, if instituted at any Time within such extended Period.

Procedure in lieu of Mandamus.

XV. In all Cases where, at the Date of the passing of this Act, it would be competent to apply to the Court of Exchequer for a Rule upon any Person or Persons to show Cause why a Mandamus should not issue against such Person or Persons, directing him or them to do any Act or to perform any Duty, and for such Court of Exchequer, failing such Cause being shown, to issue a Mandamus against such Person or Persons to the Effect aforesaid, it shall be competent to apply to the Lord Ordinary in Exchequer Causes by summary Petition, setting forth briefly the Facts on which the Application is based, for an Order on such Person or Persons decerning and ordaining him or them to do the Act, or to perform the Duty which he or they is or are refusing or neglecting to do or perform; and in the event of the Failure of such Person or Persons to conform and to implement the Terms of said

said Order, to pay conjointly and severally, or jointly, or otherwise as to the Lord Ordinary may seem fit, such Sum or Sums of Money as may be reasonably demanded in respect of such Failure, and that either in lieu of or by way of Fine or Penalty over and above Performance; and the Lord Ordinary shall order Service of such Petition on such Person or Persons as he may deem proper, and may, if he sees fit, appoint Answers to be lodged to such Petition, or Parties to be heard thereon, with or without Answers, and may thereupon give Decree granting or refusing the Prayer of such Petition, or may take such other Course with regard thereto as to him may seem proper; provided that it shall be competent to the Lord Ordinary to prescribe what shall be deemed good Service of any Order, Interlocutor, or Decree which may be pronounced by him upon any Person or Persons who may be affected thereby.

Procedure on Affidavit of Danger.

XVI. Where in any Case any Officer of the Revenue shall make Affidavit that a Debt or Duty is due to the Crown by a Crown Debtor believed to be or to have died insolvent, and shall state in such Affidavit any reasonable Ground for such Belief, and that there is Danger of Loss to the Crown or Revenue with respect to such Debt or Duty, it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to present a summary Petition to the Lord Ordinary, setting forth that such Debt or Duty is resting owing, and that such Affidavit of Danger has been made, producing such Affidavit along with such Petition, and the Lord Ordinary may thereupon, without further Evidence or Inquiry, issue *ex parte* a Summary Act and Decree decerning and ordaining such Crown Debtor to make Payment of such Debt or Duty; provided that any Charge given or threatened to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by such Crown Debtor, or his Representatives, or any others in his Right.

Procedure in lieu of Writs of Habeas and Certiorari.

XVII. In all Cases where, at the Date of the passing of this Act, a Writ of Habeas or a Writ of Certiorari might have competently issued from the Court of Exchequer to the Effect of removing any Proceedings before, or Warrant granted or issued by any Inferior Court or Magistrate or Public Officer to the said Court of Exchequer, in order to Examination, it shall be competent to the Party against whom such Warrant is directed, or to either of the Parties to such Proceedings, to bring up such Warrant or Proceedings to the Court of Session sitting as the Court of Exchequer, to the like Effect as by such Writ of Habeas or Writ of Certiorari before the passing of this Act, and that by lodging in the Office of the Clerk of Court attached to the Lord Ordinary in Exchequer Causes a Note of Appeal,

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Appeal, in the Form or as nearly as may be in the Form of the Schedule F. hereunto annexed; and such Note of Appeal shall be forthwith submitted by such Clerk of Court, in a summary Way to the Lord Ordinary, who may thereupon at once direct such Warrant or Proceedings to be transmitted to the Court of Session, or may at once refuse to give such Direction or to entertain such Appeal; or, if he sees fit, may order such Note of Appeal to be served upon the Inferior Magistrate or Magistrates, or Public Officer or Officers, or upon the opposite Party, or both, and them or either of them to lodge Answers to such Appeal; and may also, if he sees fit, order Parties to be heard upon such Note of Appeal, with or without Answers; and may thereupon pronounce such Orders or Decrees as he may deem proper upon the Matters raised by such Appeal; and in particular may either dismiss such Appeal, and remit back simpliciter the Warrant or Proceedings, or may give Decree quashing or setting aside the Warrant, or quashing or setting aside the Proceedings, in whole or in part, and may give such Directions to such Inferior Court, or Magistrate or Public Officer, with regard to his or their Proceedings, as may be just; provided that every Clerk of an Inferior Court or other Public Officer having in his Hands or under his Control any such Warrant or Proceedings shall, on Receipt of a Copy certified by any Depute or Assistant Clerk of Session of any Interlocutor of the Court of Session or of the Lord Ordinary in Exchequer Causes, directing such Warrant or Proceedings to be transmitted to the Court of Session or to the Lord Ordinary, be bound forthwith to transmit such Warrant or Proceedings, with a proper Inventory thereof certified by him to be correct, to the Office of the Clerk of the Court of Session attached to the Lord Ordinary; and where any such Warrant or Proceedings so transmitted to the Court of Session or to the Lord Ordinary shall be remitted back, it shall be the Duty of the Clerk of the Court of Session to re-transmit the same to the Clerk of such Inferior Court or other Public Officer from whom they were received.

As to Performance of certain Duties of Court of Exchequer heretofore performed under 10 & 11 Vict. c. 51.

XVIII. The Duties heretofore performed by or incumbent on the Judges of the Court of Exchequer, under and by virtue of an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Practice in* Scotland *with regard to Crown Charters and Precepts for Chancery*, shall be performed by the Lord Ordinary in Exchequer Causes.

Duties of Court of Exchequer in Appointment of Tutors

XIX. The Duties heretofore performed by or incumbent on the Court of Exchequer with regard to the Nomination, Appointment, or Control of Tutors Dative shall be performed by the Court of Session acting

Dative to be performed by Inner Houses of Session.

acting as the Court of Exchequer in *Scotland*, upon Applications for such Nomination or Appointment to be made to either of the Divisions of the said Court by way of summary Petition; and the Procedure under such Petitions may be, as nearly as may be, the same as under other summary Petitions to the said Court, but may be regulated and varied from Time to Time in such Way and Manner as to the said Court may seem proper.

Interlocutors in Exchequer Causes may be reclaimed against, and appealed, as if pronounced in ordinary Court of Session Causes.

XX. All Interlocutors of the Lord Ordinary in Exchequer Causes shall be subject to Review of either Inner House of the Court of Session; and all such Interlocutors, and all Interlocutors of the Inner House in Exchequer Causes, shall be subject to Appeal to the House of Lords, in the like Manner, and to the same Extent and Effect, and under the same Rules and Regulations as any Interlocutor of a Lord Ordinary or of the Inner House in any ordinary Cause before the Court of Session.

Suspension, where competent, to be by Note in the Bill Chamber in common Form;

and when Note passed Case to depend before Lord Ordinary in Exchequer Causes.

XXI. Any Suspension may be competently brought at the Instance or on the Behalf of Her Majesty, or of any Subject, of any Decree, Charge, threatened Charge, or Diligence whatever in any Cause or Matter connected with the Exchequer, in the like Manner and to the same Extent and Effect as if such Decree, Charge, threatened Charge, or Diligence were in Causes or Matters connected with any ordinary Court of Session Process or Procedure; and the Application for such Suspension may be made in the Bill Chamber by Note of Suspension in ordinary Form, and the Proceedings under the same shall thereafter be conducted as in any ordinary Court of Session Process of the like Nature; provided that, on any such Note of Suspension being passed and enrolled the Lord Ordinary in Exchequer Causes shall be the Lord Ordinary in such Process.

The Lord Advocate to sue and be sued on behalf of Her Majesty.

XXII. All Causes which shall be brought on the Behalf of the Crown in Terms of this Act shall be at the Instance of the Lord Advocate on the Behalf of Her Majesty; and it shall be competent for any Person alleging any Ground of Action against the Crown, which at the Date of the passing of this Act was cognizable by the Court of Exchequer as at present constituted, to call the Crown, by calling the Lord Advocate as Defender or Respondent on the Behalf of Her Majesty; and all Interlocutors or Decrees which shall be pronounced in any such Cause shall be binding upon Her Majesty and Her Royal Successors as upon the other Parties thereto; and where in any such Cause any Decree shall be obtained against the Lord Advocate on the Behalf of Her Majesty, Payment of any Money contained in such Decree shall be made, and such Decree shall be otherwise implemented by the Commissioners of Her Majesty's Treasury,

Treasury, or by such Board of Revenue or other Department as n the Opinion of the Lord Advocate ought properly to make such Payment or Implement; and the Person obtaining such Decree shall be entitled to demand from the Lord Advocate a Certificate of his Opinion accordingly, but shall not be entitled to put such Decree in farther Execution against the Lord Advocate.

XXIII. In all Causes which shall be brought under this Act the Lord Advocate shall, in pleading on the Behalf of the Crown, whether before the Court or a Jury, have the Privilege of being heard last, according to the present Practice of the Court of Exchequer.

Privilege of Audience preserved to the Crown.

XXIV. In all Causes which shall be instituted under this Act before the Court of Session acting as the Court of Exchequer in *Scotland*, and in all Causes presently depending, or which shall come to depend, before any Civil Court in *Scotland* at the Instance or on the Behalf of the Crown, against any Person or Persons, or against the Crown at the Instance of any Person or Persons, the Crown, or the Lord Advocate or other Person or Persons suing on its Behalf, shall be entitled, when Decree shall be given for the Crown, to move for and recover Expenses of Process, in the like Manner as and under the like Rules, Regulations, and Provisions as are or may be in force touching Expenses of Process in Proceedings between Subject and Subject; and, where in any Cause, whether to be brought under this Act, or presently depending, or which may come to depend before any Civil Court in Scotland, Decree shall be given against the Crown, the Subject obtaining such Decree shall be entitled to move for and, if awarded, to recover Expenses of Process in the like Manner and subject to the like Rules, Regulations, and Provisions as aforesaid; and it shall also be competent to recover Expenses of Diligence to which the Crown is a Party in the like Manner and to the like Extent as such Expenses may be recovered in Cases between Subject and Subject.

Costs may be given for and against the Crown.

XXV. All Causes which shall be brought in Terms of this Act shall be deemed and treated as Summary Causes, and shall be denominated Exchequer Causes, and as such be placed at the Head of every Roll of Causes in which they appear, both in the Inner and Outer House, and shall at all Times take Precedence of and have Preference over all other Causes whatsoever.

Exchequer Causes to have Precedence of all others.

XXVI. That Part of the Winter Sittings of the Court of Session which precedes the *Christmas* Recess, and that Part of such Sittings which follows such Recess, and the Summer Sittings of the Court of Session,

Sittings of the Court of Session to be held to correspond with

existing Exchequer Terms.

Session, shall be held to correspond with the Terms heretofore observed in the Court of Exchequer.

Certified Copies of Interlocutors, equivalent to Extracts, except in order to Diligence.

XXVII. It shall not be necessary in any Cause to be instituted under this Act to extract any Interlocutor, Order, Act, or Warrant to be pronounced therein, unless for the Purpose of proceeding with Diligence thereon; and a Copy of any such Interlocutor, Order, Act, or Warrant, certified under the Hand of any Principal Depute or Assistant Clerk of Session to be a true Copy, shall be equivalent to a formal Extract thereof; provided that no Diligence shall proceed except upon a formal Extract.

Minute Book dispensed with as to Extracts of Exchequer Decrees; such Extracts to have Priority in the Extractor's Office; and such Extracts, and also Extracts of registered Bonds to Her Majesty, to be in ordinary Form; except that Warrant to charge to be in Form scheduled.

XXVIII. All Decrees to be pronounced under this Act by either Division of the Court of Session, sitting as the Court of Exchequer, shall be extracted by the Extractor of the Court of Session without abiding the Expiration of the Days of the Minute Book, which are hereby dispensed with; and such Extractor shall give to all Extracts in Exchequer Causes Preference and Priority in the Preparation thereof over all other Business in his Office; and such Extracts, and also the Extracts of all Decrees proceeding upon Bonds, or other Obligations to Her Majesty, on which Execution may competently proceed, registered in the Books of Council and Session or in the Books of any Sheriff Court, shall be as nearly as may be in ordinary Form, so far as such Form may be consistent with the Provisions of this Act; except that in the Case of Extracts of Decrees proceeding upon Bonds and other Obligations to Her Majesty, registered as aforesaid, and also in the Case of Extracts of such Decrees as aforesaid decerning for Payment of any Penalty, Duty, or Debt due to Her Majesty, the Extractor shall insert in the Extract a Warrant to Sheriffs to charge and execute Diligence, in Terms as nearly as may be of the Schedule G. hereunto annexed, in lieu of the Warrant to charge and for Diligence in Use in ordinary Cases; and such Extract shall be a sufficient Warrant to any Messenger-at-Arms or Sheriff Officer to execute Charge, Arrestment, and Poinding in Terms thereof.

Exchequer Decrees to be put in Execution by Sheriffs.

XXIX. It shall be the Duty of every Sheriff to whose Hands any such Extract shall be intrusted for that Effect by any Public Officer on the Behalf of Her Majesty to put the same to Execution with all due Despatch, and to take all such lawful and proper Measures as by such Public Officer may be required, in order to enforce by means thereof, Payment of the Monies, if any, decerned for, and full Implement of the Decree; and it shall be lawful to any such Sheriff to recover and take Payment, on the Behalf of Her Majesty, of the Contents of any such Decree, and upon Payment or Implement in Terms thereof, in whole or in part, to discharge such Decree, but that only

only to the Extent to which Payment or Implement shall have been obtained by him as aforesaid; and every such Sheriff shall, on the Receipt by him of any Money on the Behalf of Her Majesty, under such Decree, be bound to account for and pay over the same to the Public Officer from whom he received the Extract as aforesaid, or to some other Public Officer or Department entitled to receive the same on the Behalf of Her Majesty.

Sheriff may arrest on Extract Decree; and such Arrestment shall transfer to the Crown the arrested Fund.

XXX. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause Arrestment to be used thereon in the Hands of any Person in ordinary Form; and such Arrestment shall operate to transfer to the Crown, preferably to all other Creditors of the Crown Debtor, all Right to and Interest in the arrested Fund, competent to the Crown Debtor, to such Extent as may be requisite to satisfy and pay the entire Debt due to the Crown, including Interest and Expenses; and every Person in whose Hands any such Arrestment shall be used on the Behalf of Her Majesty shall be entitled, and be in Safety, to pay to such Sheriff on the Behalf of Her Majesty all Funds in his Hands at the Date of such Arrestment belonging to the Crown Debtor, to any Extent not exceeding the Amount of the Crown Debt with Interest and Expenses, without abiding the Institution of any Process of Furthcoming, or any Decree therein; and if such Payment be not made, it shall be competent to the Crown to follow up such Arrestment by Furthcoming, and also to pursue and do Diligence against the Party indebted to such Crown Debtor, to the full Extent of the Debt due by such Party, as if the Crown stood specially and lawfully assigned into the Debt so due, and into all Bonds, Bills, and Obligations held by the Crown Debtor therefor, and as if such Party were directly indebted to the Crown in the Debt so due: Provided that the Crown shall be accountable to the Crown Debtor, or those in his Right, for any Surplus to be realised by the Crown beyond the Amount of the Crown Debt, with Interest and Expenses.

Sheriff may charge Crown Debtor on Extract Decree;

Execution of Charge to be in Form scheduled.

XXXI. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause charge the Crown Debtor therein mentioned to pay to him, the said Sheriff, for the Behoof of Her Majesty, the Sums of Money therein mentioned, or to perform the Obligations therein specified, within the Days of Charge therein prescribed with reference to such Crown Debtor from and after the Date of Charge, under the Pain of Poinding and Imprisonment; and the Officer executing the same shall return an Execution in Terms of the Schedule H. hereunto annexed, or as near to the Form thereof as Circumstances will permit.

Sheriff may Poind on Extract Decree.

XXXII. On the Expiration of the Days of Charge against the Crown Debtor, it shall be lawful for any Sheriff, by virtue of any such Extract as aforesaid, to cause poind the whole moveable Effects, without Exception, of such Crown Debtor, including Bank Notes, Money, Bonds, Bills, Crop, Stocking, and Implements of Husbandry of all Kinds, in or towards Payment of the Sums of Money therein mentioned; and such Poinding shall be carried through as nearly as may be in ordinary Form; except that it shall be lawful for the Officer executing such Poinding, where it is deemed expedient, to take Possession of the poinded Effects, and to place them in a Place of Security instead of leaving them with the Person in whose Possession they were when poinded; and, on the Execution of Poinding being reported, the Sheriff shall grant Warrant to the Sheriff Clerk to sell them in common Form; and if no Offerer appear at the Roup, the Effects, or such Part thereof as according to the appraised Value may satisfy the Debt, Interest, and Expenses due to Her Majesty, shall be retained by the Sheriff for Her Majesty's Behoof at such appraised Value, subject to such Directions as he may receive with regard to the Disposal thereof from the Public Officer from whom he received the Extract as aforesaid, or from any Public Officer or Department acting in the Matter on the Behalf of the Crown.

Poinding to be in ordinary Form; Except that Poinded Effects may be taken possession of; and, if no Offerer at Sale, Sheriff to retain them on Behalf of the Crown.

On Expiration of Charge, Sheriff may record the Extract and Execution of Charge.

XXXIII. It shall be competent to any Sheriff, at any Time within Year and Day after any such Charge has expired, to cause any such Extract, and the Execution of Charge thereon, to be presented to the Sheriff Clerk of the County in which such Charge was given; and such Sheriff Clerk shall thereupon record the Execution in the Register of Hornings kept by him, and state therein the Name and Designation of the Person by whom such Extract and Execution were presented, and the Date of the Presentation, which Registration shall have all the like Operation and Effect as the Registration of any expired Charge of Payment, in Terms of the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Law of* Scotland *in Matters relating to Personal Diligence, Arrestments, and Poindings.*

1 & 2 Vict. c. 114.

After Execution of Charge recorded, Sheriff may issue Warrant to imprison.

XXXIV. On the Execution being so recorded, the Sheriff Clerk shall write upon the Extract, and upon the Execution (if it be written on Paper apart), a Certificate of the Registration thereof, which he shall date and subscribe, in Terms of the Schedule I. hereunto annexed, or as near thereto as Circumstances will permit; and it shall be lawful for the Sheriff to issue a Warrant to imprison in Terms as nearly as may be of the Schedule K. hereunto annexed; and it shall be lawful for any Messenger-at-Arms or Sheriff Officer, by virtue

virtue of such Extract and Warrant to imprison, to search for, take, apprehend, and imprison the Debtor or Obligant, and, if necessary for that Purpose, to open shut and lockfast Places; and the Magistrates and Keepers of Prisons are hereby authorized and required to receive into and detain in Prison the Person of the Debtor or Obligant, till liberated in due Course of Law, in like Manner as under any Extract and Warrant to imprison issued under the last-mentioned Act.

Sheriff may seize Books of Crown Debtor under Extract Decree.

XXXV. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause the Sheriff Clerk of his County, or other Person empowered by him in that Behalf, to seize and detain the Books of Account and other Books and Papers of the Crown Debtor, in order to ascertain the State of his pecuniary Affairs, and the Book and other Debts due to him, and the Names and Residences of his Debtors, and the Amounts of the Debts severally due by them; and such Extract shall be a sufficient Warrant to such Sheriff Clerk or other Person to seize and detain such Books and Papers in Terms thereof; and such Sheriff Clerk or other Person shall return an Execution of such Seizure in the Form as nearly as may be of the Schedule L. hereunto annexed, and such Books and Papers shall be open to the Inspection of the Sheriff, and of any public Officer having Interest therein on the Behalf of the Crown.

Effects of deceased Crown Debtor may be attached by Arrestment or Poinding.

XXXVI. It shall be competent, notwithstanding the Death of any Person indebted to the Crown by Bond or other Obligation on which Diligence may competently proceed, or under any Extract Decree decerning for Payment of any Penalty, Duty, or Debt to Her Majesty, to proceed against the Estate and Effects of such Debtor by Arrestment, and also by Poinding; and it shall not be necessary in order thereto to cite or charge the Executor or other Representative of such Debtor, or to take any Proceeding against such Executor or Representative; but it shall be competent to register such Bond or other Obligation after as before the Death of the Debtor, and to obtain an Extract of the Decree proceeding upon such recorded Bond or Obligation, containing Warrant to execute Diligence in the like Terms as during the Lifetime of such Debtor; and on an Affidavit by any Person to the Effect that such Debtor is deceased, it shall be lawful for the Sheriff, without the Form of any previous Charge, to cause Arrest at once upon such Extract, registered Bond or Obligation, or Extract Decree in the Hands of any Person indebted or supposed to be indebted to the Deceased, and also to poind the whole moveable Effects of the Deceased, in the like Manner and to the same Effect in every respect as if the Deceased were still in Life, and had been duly charged and the Charge had expired.

XXXVII. In

Bonds, &c. heretofore taken by Court of Exchequer may be taken by Sheriffs, &c.

XXXVII. In all Cases where, at the Date of the passing of this Act, any Bonds, Recognizances, or Securities are in Use to be taken by any Judge or Judges of the Court of Exchequer, such Bonds, Recognizances, and Securities may be taken by any Sheriff, Sheriff Substitute, or Justice of the Peace.

Bonds to Her Majesty to be held as containing a Clause of Registration.

XXXVIII. All Bonds or Obligations granted or that may be granted to Her Majesty, in the Form heretofore in Use in the Court of Exchequer in *Scotland*, shall be deemed and taken to be probative Documents, and shall have all the like Privileges, Operation, and Effect as if duly executed and attested according to the Law of Scotland; and all Bonds or Obligations granted or that may be granted to Her Majesty, albeit not containing any Clause of Registration, shall be capable of Registration in the Books of Council and Session, or other Judges Books competent, and to have a Decree interponed thereto, and to be extracted with a view to Execution, in the like Manner as if a formal Clause of Registration had been contained therein; and all Diligence and Execution shall be competent thereon in the like Manner and to all Effects as upon any Bond containing such formal Clause of Registration: Provided, that where any such Bond or Obligation shall be for a penal Sum, stipulated to be paid in the event of Payment not being duly made of a smaller Sum of Money conditioned in such Bond or Obligation, Diligence and Execution shall proceed on the Extract of such Bond or Obligation only for Payment of such smaller Sum, conditioned as aforesaid, with such Interest and Expenses as may be due thereon.

Where a Bond to Her Majesty is not for a specific Sum, Sum may be supplied by an Account stated and certified, on which Diligence may proceed.

XXXIX. In the event of the Sum due under any Bond or Obligation to Her Majesty on which Diligence may competently proceed under this or any other Act not being set forth specifically therein, a stated Account of the Sum due under it, having annexed to it a Certificate signed by any Officer of the Revenue, in the Form as nearly as may be of the Schedule M. hereunto annexed, recorded along with such Bond or Obligation, shall be sufficient to ascertain the Sum due under such Bond or Obligation; and the Extractor shall, in extracting the Decree proceeding upon such Bond or Obligation, make the Warrant of Charge and for Diligence to be contained in such Extract applicable to the Sum in the said stated Account, in the like Manner in all respects as if such Sum in the said stated Account had been actually specified in such Bond or Obligation, and thereupon all Diligence and Execution shall proceed as if it had been so specified: Provided always, that no such Bond or Obligation granted after the Date of this Act shall be entitled to the Privilege hereby conferred unless there be inserted therein a specific Clause conferring such Privilege.

XL. Where

XL. Where any Duty shall have accrued due to Her Majesty in any Part of the United Kingdom furth of *Scotland*, and the Person owing such Duty shall be subject to the Jurisdiction of the *Scotch* Courts, it shall be competent to proceed in *Scotland* against such Person for the Recovery of such Duty in the like Manner as if such Duty had accrued due in *Scotland;* and all Evidence that such Duty is resting owing, which would by any Law or Statute have been receivable in such other Part of the United Kingdom, shall be receivable in *Scotland*, and with such and the like Effect and Operation in every respect as would attach to such Evidence in such other Part of the United Kingdom, or to any similar Evidence in *Scotland.*

Provision for recovering in Scotland Duties accruing in other Parts of the United Kingdom.

XLI. Nothing in this Act contained shall operate to prevent the Exercise by any Sheriff or Justice of the Peace in *Scotland* of any Jurisdiction at present competent to such Sheriff or Justice respectively.

Jurisdiction of Sheriffs and Justices in Exchequer Cases saved.

XLII. Nothing in this Act contained shall impair, injure, or affect any Preference of the Crown in competition with other Creditors; and in all Questions of Preference or Competition, the Execution of any Charge at the Instance or on the Behalf or for Behoof of the Crown, and in the Case of deceased Crown Debtors to whom no such Charge has been given in their Lifetime, the Execution of any Arrestment or Poinding at the Instance or on the Behalf or for Behoof of the Crown, shall be deemed and taken to be equivalent in all respects to the Teste of a Writ of Extent, according to the existing Law and Practice.

Preference of Crown over other Creditors not to be affected.

XLIII. The Third Section of the Act of the Sixteenth Year of Her present Majesty, Chapter Twenty, shall not be deemed to apply to any Cause to be instituted under this Act relating to the Customs or Inland Revenue.

Section 3 of 16 Vict. c. 20. not to extend to Revenue Cases.

XLIV. The Lord President of the Court of Session, the Lord Advocate, and the Lord Ordinary in Exchequer Causes, and any Two of them, shall have Power to frame Orders and Regulations, from Time to Time, with a view to carry into Execution the Purposes of this Act, and to remove any Difficulties which may be found to arise in applying to the Extent contemplated by this Act the Forms and Practice of the Court of Session to Exchequer Proceedings; provided that such Orders and Regulations shall not be inconsistent with the Provisions of this Act, and that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Orders and

Lord President, Lord Advocate, and Lord Ordinary in Exchequer Causes empowered to make Orders and Regulations to facilitate Procedure.

Regulations framed as aforesaid, under the Powers herein given, not previously transmitted to Parliament.

Offices of Attornies, or Sworn Clerks and Macers in Exchequer, &c., abolished.

XLV. The Offices of Attornies or Sworn Clerks, and Macers of the Court of Exchequer as at present constituted are hereby abolished; and also all other Offices in the said Court, in so far as the same relate to any Duties attached to such Offices connected with the issuing of Writs, Process, and Diligence, and the Duties of Clerk of Court.

Power to Treasury to grant Compensations for Loss of Office.

XLVI. It shall be lawful for any Person who conceives that he is entitled to Compensation for Loss to be suffered through the Operation of this Act to make Application to the Commissioners of Her Majesty's Treasury for the Time being claiming such Compensation; and it shall be lawful for the said Commissioners to investigate such Claim, and to call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their Satisfaction, the said Commissioners are hereby authorized and empowered to award to such Person such Compensation as they shall think him entitled to, either by the Payment of a given Sum or by way of Annuity, as they shall think proper; and such Compensations shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose; provided that a Copy of every such Award of Compensation shall be laid before both Houses of Parliament within Ten Days from the Date thereof, if Parliament shall be then sitting, and if not, then within Ten Days after the Commencement of the Session of Parliament next ensuing, and no such Award shall be final and conclusive until Two Months after the same shall have been so laid before Parliament: Provided also, that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such Office while he shall continue to hold the same.

Interpretation of certain Terms.

XLVII. In construing this Act the following Words and Expressions shall receive the Meaning after assigned to them: The Expression "Lord Ordinary," shall mean the Lord Ordinary in Exchequer Causes to be appointed under this Act; the Word "Cause" shall comprehend Action, Suit, Prosecution, Process, and Proceeding; the Word "Person" shall comprehend Tribunal and public and private Company, and corporate and public and other Body, as well as the individual Members of such Tribunal, Company or Body; the Word "Decree" shall comprehend Act, Order, Warrant, Interlocutor, and Judgment; the Expression "Rentcharge" shall comprehend Debt, Rent, and Duty; and the Word "Penalty" shall comprehend Fine and Forfeiture.

XLVIII. All

XLVIII. All Laws, Statutes, Usages, Acts of Sederunt, and Rules and Regulations of Court now in force shall be and the same are hereby repealed, in so far as may be necessary to give Effect to the Provisions of this Act, and no further or otherwise. Repeal of certain Laws, &c.

XLIX. This Act shall take effect from and after the Twelfth Day of *November* One thousand eight hundred and fifty-six; and all Causes then depending in the Court of Exchequer as at present constituted shall be transferred to the Court of Session acting as the Court of Exchequer under this Act, and shall be proceeded with in such Way and Manner as may be prescribed by any Rules and Regulations to be framed in Terms of this Act. Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

SUBPŒNA.

[*Name and Designation of Party.*]

You are hereby required to appear before the Lord Ordinary in Exchequer Causes in the Court of Session at Edinburgh, on the Fourteenth Day next after the Date of Service of this Subpœna, to answer to an Information then to be presented at the Instance of the Lord Advocate, on the Behalf of Her Majesty against you, [*and, when the Information is to be laid under an Act of Parliament, add,*] under the Act [*name Act of Parliament imposing the Penalty or Duty claimed, or under which the Debt is sought to be recovered.*] Given at Edinburgh, this day of Eighteen hundred and years.

(Signed) *A. B.*

Depute [*or* Assistant] Clerk of Session.

SCHEDULE B.

INFORMATIONS.

1. *Spirits.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year there was found in the Distillery of *A.* [*design him*,] commonly called the Distillery, in the County of , and not in the Mash Tun or Wort Underback in such Distillery, Gallons of Wort or Wash, the Gravity whereof did exceed by more than Three Degrees, that is to say, by Fifteen Degrees in Cooler No. 1, by Fifty-five Degrees in Back No. 2, by Sixteen Degrees in Back No. 3, the particular Gravity which had been specified in a Notice in Writing delivered to the Supervisor or Surveyor in charge of the Distillery of him the said *A.* Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the Sum of £200.

2*d Count*,—That on the Day of in the Year there was found in the said Distillery of the said *A.*, and not in the Mash Tun, or Wort Underback in such Distillery, 100 Gallons of Wort or Wash, the Gravity whereof did exceed by Fifty-four Degrees, or, at least, by more than Three Degrees, the particular Gravity which had been specified in a Notice in Writing in that Behalf, delivered to the Supervisor or Surveyor in charge of the Distillery of him, the said *A.* Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the Sum of £200.

3*d Count*,—That on the Day of in the Year in the Distillery of the said *A.*, commonly called Distillery, of

of the said *A.*, 9,211 Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity whereof had not been declared, as in the Statute in that Behalf made is required and directed, was conveyed into and collected in a Fermenting Back, No. 1 Back, in the said Distillery, but was not so conveyed and collected within the Space of Six Hours after the Running or Conveyance of such Wort or Wash had commenced. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has forfeited the Sum of £200.

4th Count,—That the said *A.*, being a Distiller, on the Day of in the Year , and on Three other Days between that Day and the Day of , in the Distillery of the said *A.*, One hundred Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity of which had not been declared, as in the Statute in that Behalf made is directed, and which was intended to be run or conveyed into a Fermenting Back of him the said *A.*, as such Distiller, was conveyed into and collected in a Fermenting Back in the said Distillery; yet the said *A.* did not, on any or either of the said last-mentioned Days, immediately and without Delay, deliver to the proper Officer in that Behalf a Declaration in Writing, specifying the several Particulars in reference to the said Wort or Wash, in Terms of the Statute. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has, for each of his said Offences, forfeited the Sum of £200, amounting in the whole to the Sum of £800.

5th Count,—That on the Day of in the Year , at the Place aforesaid, the said *A.* did remove, or send with a Permit, a lesser Quantity of Spirits than the Quantity specified and described in the said Permit. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

6th Count,—That on the Day of in the Year , at the Place aforesaid, the said *A.* did utter a certain false or untrue Request Note to an Officer of Excise, for the Purpose of falsely and fraudulently obtaining a Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

7th Count,—That on the Day of in the Year the said *A.* did knowingly or willingly give a false or untrue Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

8th Count,—That on the Day of in the Year a Quantity of Spirits was removed from the Distillery of the said *A.*, he the said *A.* being a Distiller licensed under the Statutes in that Case made and provided, in the Quantity of Two Gallons and One Half Gallon, or at least a less Quantity than Nine Gallons. Contrary to the Statute 4th Geo. IV. Cap. 94., Sect. 120. Whereby the said *A.* has forfeited the Sum of £200.

[*To be Signed by the Lord Advocate or Counsel.*]

Note.—Each Count in this and any other Information may, if thought proper, be made itself a separate Information.

2. *Malt.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year within the Parish of and County of *A.*, being a Maltster or Maker of Malt, did remove, carry, or send away about Four Bushels of Malt from the Building or Place where the same had been made, before the said Malt had been taken account of and charged with Duty by the proper Officer of Excise, or did fraudulently deposit, conceal, or convey away from the Sight of the Officers of Excise about Four Bushels of Malt or of Corn or Grain making into Malt. Contrary to the Statute 7th & 8th Geo. IV. Cap. 52, Sections 40 and 41. Whereby the said *A.* has forfeited the Sum of £200.

2*d Count*,—That at the Time and Place aforesaid the said *A.*, being a Distiller and Maker of Low Wines or Spirits, making Entry as a Maltster or Maker of Malt for the sole Purpose of being consumed in distilling Low Wines or Spirits from Malt only, did take about Four Bushels of Malt off the Kiln without having given such Notice as in the Statute 7th & 8th Geo. IV. Cap. 52., Sect. 68. is required. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £50.

3*d Count*,—That at the Time and Place foresaid the said *A.* did resist, oppose, molest, obstruct, or hinder a Person employed in the Revenue of Excise in the due Execution of a Power or Authority conferred upon him by the said Statute 7th & 8th Geo. IV. Cap. 52. Sect. 9. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £300.

4*th Count*,—That at the Time and Place foresaid the said *A.* did molest, obstruct, or hinder a certain Person employed in the Revenue of Excise in the Seizure of Malt forfeited under or by virtue of the Statute in that Case made and provided. Contrary to the Statute 7th & 8th Geo. IV. Cap. 53. Sect. 39. Whereby the said *A.* has forfeited the Sum of £200.

3. *Licence.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred and at in the County of , *A.* [*design him*], being a Maltster [*or* Distiller, *or* as the Case may be], did make or manufacture Malt [*or* Spirits, *or as the Case may be*], for the making or manufacturing [*or* did exercise or carry on the Trade or Business of a , for the exercising or carrying on] of which a Licence was by Statute required, without taking out such Licence. Contrary to the Act 6 Geo. IV. Cap. 81. Sect. 26. Whereby the said *A.* has forfeited the Sum of £

4. *Entry.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred and at in the County of , *A.* [*design him*], a Person carrying on the Trade or Business of [*specify it*], under or subject to certain Laws of Excise, did make use of a House [*or* Building, *or* Vessel, *or* Utensil,

Utensil, *or as the Case may be*], for the making of [*or* for the retailing *or* storing, *or as the Case may be*], Spirits [*or* Malt, *or as the Case may be*]; of which House [*or as the Case may be*], Entry was by Statute required to be made; without having made Entry thereof by delivering such true and particular Account thereof as by Law is required, to the Officer of Excise in whose Survey such House [*or as the Case may be*] was intended to be used as aforesaid. Contrary to the Statute 4 & 5 Will. IV. Cap. 51. Sect. 6. Whereby the said *A.* has forfeited the Sum of £200.

5. *Concealing Goods.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *A.* [*design him*] on or about the Day of Eighteen hundred and at in the County of did remove, deposit, or conceal, or was concerned in removing, depositing, or concealing, certain or other Goods or Commodities, being of the Value of £ , for or in respect whereof a Duty of Excise was and is imposed, with Intent to Defraud Her Majesty of the said Duty. Contrary to the Statute 7 & 8 Geo. IV. Cap. 53. Sect. 32. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Goods and Commodities, which the Commissioners of Excise have elected to take in lieu of the Penalty of £100.

6. *Not cancelling Permit.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on behalf of Her Majesty, inform the Court,—

1*st Count.* That at the Time of committing the several Offences after mentioned, *A.* [*design him*] was a Dealer in [*or* Retailer of] Spirits, and, as such, had provided himself with a Book, as prescribed by the Act 11 and 12 Vict. Cap. 121, for the Purpose of entering therein such Particulars relating to Spirits to be received into his Stock, Custody, or Possession as by the said Act Dealers in [*or* Retailers of] Spirits were and are required to make due Entries of: And that the said *A.* did, on or about the Day of Eighteen hundred and at in the County of , receive into his Stock, Custody, or Possession, Fifty Gallons, or other large Quantity of Spirits: Yet the said *A.* did not, at any Time on the said Day on which the said Spirits were so received by him, make, or cause to be made, due Entries in his said Book, of the several Particulars by the said Act required to be entered therein relating to the said Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said *A.* has incurred the Penalty of £100.

2*d Count,*—That the said *A.*, being a Dealer in [*or* Retailer of] Spirits, did, on or about the Day of Eighteen hundred and , at in the County of receive Fifty Gallons or other Quantity of Spirits, which were, at the Time when they were so received by him, accompanied by a true and lawful Permit [*or* Certificate]; and the said *A.* did then and there receive such Permit [*or* Certificate] with the said Spirits; yet the said *A.* did not, immediately on receiving such Permit [*or* Certificate] cancel the same in the Manner directed by the said Statute, so as to prevent the same from being again used for the Removal of Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said *A.* has incurred the Penalty of £50.

7. *Private*

7. *Private Still.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of Eighteen hundred and , at in the County of , *B.* and *C.*, Officers of Excise, did discover and seize a certain private or concealed Still for making Spirits, in a certain House, [*or* Place, *or as the Case may be*], in which the same had been or was then set up or kept by *A.* [*design him*], or other Person to Her Majesty's Advocate unknown, not licensed to that Effect: And the said Still was not, within Ten Days after such Seizure, claimed by any Person as the Owner thereof: And the said *A.* was the Proprietor of the said Still, or the same was found in his Custody. Contrary to the Statute 3 Geo. IV. Cap. 52. Sects. 13. and 14.: Whereby the said *A.* has forfeited the Sum of £200 for the said Place in which said Still was found, and the further Sum of £200 for the said Still.

8. *Seizure.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *B.*, Officer of Excise, on or about the Day of in the Year , at in the County of , did seize and arrest to the Use of Her Majesty, as forfeited, 100 Bushels of Malt or thereby, in respect,—

1*st. Count*,—That the said Malt was, by a Person to Her Majesty's Advocate unknown, fraudulently deposited, concealed, or conveyed away from the Sight of the Officers of Excise. Contrary to the Statute 7 and 8 Geo. IV. c. 52. Sec. 40. Whereby the said Malt became forfeited.

2*d Count*,—That the said Malt was in the Custody or Possession of a Person to Her Majesty's Advocate unknown, the same being Malt which had been removed, carried, or sent away from the Building and Place where the same had been made, before the said Malt had been taken account of and charged with Duty, such Person knowing the same to have been so removed, carried, or sent away. Contrary to the Statute 7 & 8 Geo. IV. c. 52. Sec. 41. Whereby the said Malt became forfeited.

3*d Count*,—That on or about the Day of in the Year at in the County of , the said Malt, being Goods and Commodities for and in respect whereof a certain Duty of Excise was imposed, was removed or deposited or concealed, with Intent to defraud Her Majesty of such Duty, or of a certain Portion thereof. Contrary to the Statute 7 and 8 Geo. IV. c. 53. Sec. 32. Whereby the said Malt became forfeited.

9. *Customs.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on or about the Day of in the Year in the County of , *A.* [*design him*], Grocer and Spirit Dealer, was knowingly concerned in conveying, removing, depositing, concealing, or dealing

dealing with 80 Pounds Weight or thereby of Tobacco, or other Goods, liable to Duties of Customs, with Intent to defraud Her Majesty of the Duties thereon. Contrary to the Statute 16 & 17 Vict. Cap. 107. Secs. 232. and 263. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco or other Goods, for which the Commissioners of Customs have elected to sue.

2d Count,—That on or about the Day of in the Year at in the County of , the said *A.* did carry, convey, or conceal, or was aiding, assisting, or concerned in the carrying, conveying, or concealing of 80 Pounds Weight or thereby of Tobacco, then and there liable to Forfeiture under the Act 16 & 17 Vict. Cap. 107. Secs. 209. 234. and 263. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco, for which the Commissioners of Customs have elected to sue.

10. *Legacy Duty.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , by virtue of the Statute 55 Geo. III. Cap. 184. Schedule, Part 3, inasmuch as *B.* [*design him*], deceased, by certain Testamentary Instruments, gave to *C.* the clear Residue of the Monies to arise from the Sale or other Disposition of certain heritable Estates of the said *B.* by the said Testamentary Instruments directed to be sold or otherwise disposed of: That on the Day of in the Year , at in the County of , the said *B.* died, without revoking or altering the said Testamentary Instruments as to the said Residue so given as aforesaid: That the said clear Residue was more than the Value of £20: That the said *A.* was a Trustee to whom the said heritable Estate, out of the Monies to arise from the Sale or other Disposition of which the said clear Residue so given was to be paid or satisfied, was devised; and being such Trustee, he retained, for the Benefit of the said *C.*, the Sum of £ , or thereby, a Part of the said clear Residue, on which Part thereof the Duty which was chargeable was the said Sum of £ ; and the said *A.* did not, before retaining as aforesaid, first pay the said Duty to Her Majesty. Contrary to the said Statute. Whereby the said *A.* is indebted and liable to pay to Her Majesty the said Sum of £

11. *Inventory Duty.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , by virtue of the Statutes 48 Geo. III. Cap. 149. Sec. 38. and 55 Geo. III. Cap. 184. Schedule, Part 3., for Double the Amount of Stamp Duty which would have been payable by the said *A.*, upon a certain Inventory of the Personal and Moveable Estate and Effects, in Scotland, of the Value of £ , or thereby, of *B.* [*design him*], who died after the 1st Day of January 1842, that is to say, on or about the Day of , in the Year , which Inventory the said *A.*, although he had intromitted with and entered upon the Possession and Management of the said Estate and Effects more than Six Calendar Months before the said Day of in the Year ,

 and

and ought before that Day to have exhibited such Inventory in the proper Commissary Court in Scotland, neglected to exhibit the same within the Time prescribed for that Purpose. Contrary to the said Statutes. Whereby the said *A.* is indebted to Her Majesty in the said Sum of £

12. *Succession Duty.* - (*Heritable Property.*)

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled upon the Death of *B.*, on the Day of in the Year to certain Heritable or Real Property, situated in the County of in Possession, or to the Receipt of the Income or Profits thereof, for a Period not less than the Residue of his Life: That the annual Value, after Allowance of all necessary Outgoings of the said Property, was £ : That the Value of the said Succession, in Terms of the Statute 16 & 17 Vict. Cap. 51., amounted to the Sum of £ , and the Duty payable thereon to the Sum of £ : That the said Duty was payable by Eight Half-yearly Instalments, and the Periods when the First and Second Half-yearly Instalments of the same were payable are past, and the said Instalments have not been paid to Her Majesty: That the said Instalments of Duty were finally ascertained on the Day of ; and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the Sum of £ , being the Amount of the said First and Second Instalments of Succession Duty; and liable to pay to Her Majesty the Sum of £ of Penalty, for Neglect as aforesaid of Payment of said Instalments, and a like Sum of £ for every Month after the First Month during which such Neglect has continued and shall continue.

13. *Succession Duty.*—(*Personal Property.*)

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled, upon the Death of *B.*, on the Day of Eighteen hundred and , to a certain Sum of Money, amounting to £ : That the said *B.* obliged himself, by the antenuptial Marriage Contract entered into between him and his Wife, to pay, Six Months after his Death, to the Child or Children of the said Marriage, the said Sum; and the said *A.* is the only Child of the said Marriage: That the said *A.* became entitled in Possession to the said Succession, or to the Receipt of the Income thereof, upon the Day of Eighteen hundred and , and the Succession Duty thereon was then payable: That the said Duty amounts to the Sum of £ , and has not been paid to Her Majesty: That the said Duty was finally ascertained on the Day of Eighteen hundred and , and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the said Sum of £ , being the Amount of the said Succession Duty; and liable to pay to Her Majesty the Sum of £ of Penalty for Neglect of Payment of said Duty, and a like Sum of £ of Penalty for every Month after the First Month during which such Neglect has continued and shall continue.

14. *Crown Teinds.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

1*st Count*,—That on the Day of in the Year *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , due and owing by him for the Teinds of the Lands of , in the County of , after Deduction of Stipend payable therefrom, which Teinds belong to Her Majesty for the Crops of the Years and and intervening Crops.

2*d Count*,—That the said *A.*, on the Day of in the Year , was indebted to Her Majesty in the further Sum of £ , due and owing by him for Interest upon Money due by him to Her Majesty.

15. *Promissory Note.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the behalf of Her Majesty, inform the Court, That on the Day of in the Year *A.* [*design him*] did make, sign, or issue a certain Promissory Note for the Payment of a Sum of Money amounting to Five Pounds, and not exceeding One hundred Pounds, in another Manner than to the Bearer on Demand, liable to the Payment of Stamp Duty charged by the Statute 17th & 18th Vict. Cap. 83., without the same being duly stamped or marked with the proper Stamp or Mark as by Law is directed, that is, a Promissory Note, bearing Date the Day of in the Year , for the Payment Months after Date, to the Order of *B.*, of the Sum of £ , or some other Promissory Note, liable to a Stamp Duty of without the same being duly stamped or marked with the Stamp or Mark indicating the Payment of the said Duty, contrary to the Statutes 55 Geo. III. Cap. 184., 17th & 18th Vict. Cap. 83., and other Statutes, whereby the said *A.* has forfeited the Sum of £50.

16. *Receipt Stamp.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the Day of in the Year *A.* [*design him*] did write or sign or cause to be written or signed a certain Receipt or Discharge, given for or upon the Payment of a Sum of Money amounting to Two Pounds and upwards, that is to say, £ , liable to the Payment of Stamp Duty charged by the Act 16th & 17th Vict. Cap. 59, upon a Piece of Paper, without the same being first stamped, or marked with the Stamp or Mark impressed upon the Paper, and without having the adhesive Stamp affixed thereto, as by Law is directed, contrary to the Statutes 35 Geo. III. Cap. 55., and 16th & 17th Vict. Cap. 59, and other Statutes, whereby the said *A.* has forfeited the Sum of £10 [*or* £20.]

17. *Attorney Certificate Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That at in the County of between the Day of in the Year of and the Day of the Lodging of this Information, *A.*, in the County of , Writer, did, for

for and in Expectation of Gain, Fee, or Reward, commence, carry on, or defend a certain Action, Suit, and Proceeding in a certain Court in Scotland as a Solicitor, Attorney, and Procurator, and Agent of the said Court, without having first duly obtained a proper stamped Certificate in the Manner in the Statute directed, contrary to the Statute 9 Geo. IV. Cap. 49. Sec. 9., whereby the said *A.* has forfeited the Sum of £50.

18. *Post Horse Duty.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , at in the County of , *A.*, having a Licence to keep at One Time to be let for Hire One Horse, did keep at One Time to be let for Hire a greater Number of Horses, viz., Two Horses, than he was by the foresaid Licence authorized to keep at One Time to be let for Hire. Contrary to the Statute 16th & 17th Vict. Cap. 88., Sec. 15. Whereby the said *A.* has forfeited the Sum of £100.

SCHEDULE C.

Verdict.

The Jury find for the Queen; *or*

The Jury find for the Defender; *or*

The Jury find for the Queen [*or*, the Defender,] on the First Count; and for the Defender [*or* the Queen] on the Second Count [*or as the Case may be*].

[*To be written on the Information, and signed by the Clerk of Court.*]

SCHEDULE D.

Appraisement of Seizure.

Date of Seizure.	Officers' Names by whom seized.	Where seized.	For what Cause seized.	Species and Quantity of Goods seized.	Value appraised at £ s. d.
			Total - - £		

I [*Name and Designation*] hereby certify, That the foregoing Appraisement made by me, in order to be returned to the Court of Session as the Court of Exchequer in Scotland, is just and true, as to the Quantity, Quality, and Value of the Articles therein stated, and in all other Particulars, to the best of my Knowledge.

Knowledge. Dated at this Day of Eighteen hundred and

[*To be signed by the Officer making the Seizure, or other Officer of the same Department of the Revenue.*]

SCHEDULE E.

Claim for Seizure.

Claim for Goods seized by [*Name and Designation*], Officer of Inland Revenue (Excise Branch), [*or as the Case may be*] at

I [*Name*] Distiller, [*or as the Case may be*] residing at , declare that I am the Owner of the Goods contained in the Appraisement made by [*Name and Designation*], dated the Day of Eighteen hundred and , and I claim the same.

[*To be signed by the Claimant.*]

SCHEDULE F.

Note of Appeal.

Note of Appeal for *A.B.* [*design him*], Supervisor of Excise for [*or as the Case may be.*]

In the Information in the Excise Branch of the Inland Revenue, [*or* the Stamps Branch of the Inland Revenue, *or* the Customs Branch of the Revenue, *or as the Case may be,*] at his Instance against *C.D.* [*design him*], before Her Majesty's Justices of the Peace for the County of

[*or,*]

In the Matter of the Warrant of Commitment of the said *A.B.*, granted upon the Application [*or* Certificate, *or as the Case may be,*] of *C.D.* [*design him*], issued by Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of , *or as the Case may be*].

The Appellant hereby appeals against a Judgment [*or* Warrant of Commitment, *or as the Case may be,*] of the said Justices, dated [*specify Date*], signed by and [*name the Justice or Justices by whom signed, and state that they are Justices.*]

In respect whereof, *&c.*

[*To be signed by any Solicitor of Revenue, or by any Agent before the Court of Session.*

SCHEDULE G.

Warrant to be subjoined to Extracts of Exchequer Decrees in favour of the Crown.

And the said Lords command and charge all Sheriffs of Counties, and each of them, conjunctly and severally, to put this Decree in execution in manner under-written, that is to say, in Her Majesty's Name, to cause charge the said *A.* personally, or at his Dwelling Place, if within Scotland, and if furth thereof,

by delivering a Copy of Charge at the Office of the Keeper of the Record of Edictal Citations, at Edinburgh, to make Payment of the foresaid Sum or Sums of Money, Principal, Interest, and Expenses, [*or* to implement and perform the foresaid Obligations, *or* both to pay and perform, *as the Case may require*,] all in Terms of and to the Effect contained in the Decree above written, and here referred to and held as repeated *brevitatis Causa;* and that to them the said Sheriffs, or One or other of them, on the Behalf of Her Majesty, within Six Days next after he is charged to that Effect, under the Pain of Poinding and Imprisonment; and also to cause arrest the said *A.*'s readiest Goods, Gear, Debts, and Sums of Money, in Payment and Satisfaction of the said Sum, Interest, and Expenses; and also to cause seize and detain the Books of Accounts, and other Books and Papers of the said *A.*; and if the said *A.* shall fail to obey the said Charge to be given to him as aforesaid, then to cause poind the readiest Goods, Gear, or other Effects of the said *A.*, and, if needful for effecting such Poinding, to cause open all shut and lockfast Places, in Form as Effeirs; and also, in the same Event, that the said *A.* shall fail to obey the said Charge, then to cause search for, take, and apprehend the Person of the said *A.*, and being so apprehended, to cause imprison the said *A.*, within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge, and if necessary for that Purpose to open shut and lockfast Places; and to grant Warrant also to the Magistrates and Keepers of Prisons to receive and detain therein the said *A.*

Extracted [*Specify Place and Date*] by
[*Extractor's Signature.*]

SCHEDULE H.

Execution of Charge against Crown Debtor.

Upon the Day of I, , Messenger-at-Arms, [*or* Sheriff Officer,] by virtue of, [*state Nature and Date of Extract and Decree whereupon it proceeds*], at the Instance of on the Behalf of Her Majesty against *A.*, [*specify Name and Designation of Crown Debtor or Obligant,*] passed and in Her Majesty's Name and Authority lawfully charged the said *A.* to [*state what the Party has been charged to do; if to pay Money, specify the Sum, Interest, and Expenses; or if to fulfil an Obligation, specify it as in the Extract*], and that to *C.D.*, Sheriff of the County of , for the Behoof of Her Majesty, within Six Days next after the Date of my said Charge, under the Pain of Poinding and Imprisonment. This I did [*state Mode of Execution, whether personally or otherwise*], before and in presence of *E.*, Witness to the Premises.

[*Messenger's or Officer's Signature.*]

[*Witness's Signature.*]

SCHEDULE I.

Certificate of Registration of Execution of Charge in Sheriff Court.

Presented by *A.B.*, [*Name and Designation,*] and registered in the particular Register of Hornings for the Shire of on the Day of

[*Keeper or Clerk's Signature.*]

SCHE-

SCHEDULE K.

WARRANT TO IMPRISON.

[*Place and Date.*]

The Charge being expired, and registered as per Execution and Certificate produced, grant Warrant to search for, take, and apprehend the Person of the said *A*, [*Name of Debtor or Obligant,*] and being so apprehended to imprison him within a Tolbooth or other warding Place, therein to remain until he fulfi the said Charge; and, if necessary for that Purpose, to open shut and lockfast Places; and Warrant also to Magistrates and Keepers of Prisons to receive and detain the said *A*. accordingly.

[*To be signed by Sheriff.*]

SCHEDULE L.

EXECUTION OF SEIZURE OF BOOKS AND PAPERS OF CROWN DEBTOR.

Upon the Day of , at within the County of , I, *J H.*, Sheriff Clerk of the said County of , by virtue of a Warrant to that Effect, contained in [*specify the Extract in which Warrant contained and its Date*], have seized the Books and Papers belonging to *A*, [*name and design him*], specified in the following

Inventory.

[*Follows the Inventory.*]

the same having, on my Requisition to that Effect, been voluntarily handed over to me by the said *A*. [*or* by K. [*Name and Designation*], having the Custody thereof; *or as the Case may be.*]

or,

the same having been found by me in a Safe or Press in the House of the said *A*, at , to which I obtained Access by breaking open the Doors of the said House, and a Safe or Press therein, because I could not otherwise obtain Admittance thereto [*or as the Case may be*].

[*Signature.*]

Sheriff Clerk.

SCHEDULE M.

CERTIFICATE OF OFFICER OF REVENUE TO STATED ACCOUNT.

I [*Name and Designation*], being an Officer of Her Majesty's Revenue, hereby certify, That there is due to Her Majesty, in terms of the foregoing stated Account, under a Bond granted by [*Name and Designation*] to Her Majesty. dated the Day of , the Sum of . Dated at this Day of Eighteen hundred and

[*Signature of Officer of Revenue.*]

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. LVII.

An Act to abolish the Jurisdiction of the Court of the Liberties and Manor of *Saint Sepulchre* in and near *Dublin*, and for the future Regulation of certain Markets of the said Manor.

[21st *July* 1856.]

WHEREAS it would conduce to the better Administration of Justice if the Jurisdiction of the Court of and in the Liberty and Manor of *Saint Sepulchre* in and near *Dublin* in Criminal and Civil Proceedings was abolished, and the Most Reverend *Richard* Lord Archbishop of *Dublin*, the Lord of the said Liberty and Manor, and his several Officers, have freely consented to such Abolition: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Manor Court of *St. Sepulchre* Abolition Act, 1856." **Short Title.**

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is **Interpretation of certain Terms in this Act.**

is to say, "the Manor of *Saint Sepulchre*" or "the said Manor shall mean the Liberty and Manor of *Saint Sepulchre*; "the Archbishop of *Dublin*" or "the said Archbishop" shall mean the Most Reverend *Richard* Lord Archbishop of *Dublin* and his Successors; "the Court" shall mean the Court of the said Liberties and Manor of *Saint Sepulchre*; "the Officers of the Manor of *Saint Sepulchre*" or "the said Officers" shall mean and include the Seneschal, Coroner, Marshals, Registrars, Portreeves, and Bailiffs of or belonging to the Archbishop of *Dublin* and to the Liberty and Manor of *Saint Sepulchre*, or any of them; and "Lord Lieutenant" shall include any other Chief Governor or Governors of *Ireland*.

Commencement of Act.

III. This Act shall commence and come into operation on the First Day of *September* One thousand eight hundred and fifty-six.

Jurisdiction of Court and Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.

IV. Upon and after the Commencement of this Act, the Jurisdiction and Authority vested in the Court of the Liberties and Manor of *Saint Sepulchre*, and in the Seneschal or Judge and other Officers of the said Court, in relation to the Administration of Justice in Actions, Suits, or other Civil Judicial Proceedings, or in the Administration of Criminal Law, or the Execution of Judgments, Writs, and Processes therein or connected therewith, shall cease; and all such Jurisdiction or Authority within the Limits of the said Liberties and Manor shall be vested in and exercised by such of the Courts and Officers of Her Majesty respectively as such Jurisdiction or Authority would now by Law have belonged to in case the said Liberties and Manor Court had not been constituted or erected; and the several Towns, Places, and Districts within the said Liberties and Manor, and the Inhabitants and Residents therein, shall be subject to the Jurisdiction and Authority of the said Courts of Her Majesty respectively, in the same Manner as such Towns, Places, and Districts, and the Inhabitants and Residents therein, would now have been in case the said Liberties and Manor Court had not been constituted or erected.

Chairman of Kilmainham, Assistant Barrister of the County of Dublin, Recorder of Dublin, and Assistant Barrister of Kildare or Wicklow may renew Decrees, &c. made by Seneschal

V. It shall be lawful for the Chairman of *Kilmainham*, or Assistant Barrister of the County of *Dublin*, and the Recorder of *Dublin*, and the Assistant Barrister of the Counties of *Kildare* and *Wicklow* respectively, within the Limits of their respective Jurisdictions, to renew all Decrees and Dismisses made and pronounced by the said Court, or its Seneschal or Judge, before the Commencement of this Act, without regard to the Amount thereby decreed or adjudged to be paid; and every such renewed Decree and Dismiss shall be deemed a Decree or Dismiss of the said Chairman, Recorder, or Assistant Barrister, as the Case may be, and may be executed as such, notwithstanding that the Amount thereby decreed

to

to be paid shall exceed the Amount to which the Jurisdiction of such Chairman, Recorder, or Assistant Barrister shall be limited.

before Commencement of Act.

VI. Any Person who at the Commencement of this Act may be in the Custody of the Marshal of *Saint Sepulchre*, under or by virtue of any Jurisdiction or Authority hereby abolished, shall as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the said Marshal to the Common Gaol of the County in which he may have been arrested under the Writ or Warrant or other Process for his Arrest and Imprisonment, or if arrested or committed within the City of *Dublin* then to the Prison of the *Four Courts Marshalsea*, and shall be by such Marshal delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, together with the Decree, Writ, Warrant, or other Process by virtue of which such Person was arrested or imprisoned, and all other Decrees, Writs, Warrants, and other Processes lodged with such Marshal, by virtue of which such Person is or ought to be detained in Custody of such Marshal; and all Persons who may be in the lawful Custody of the said Marshal at the Commencement of this Act shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed to be in the proper legal Custody, unless and until they be respectively sooner discharged in due Course of Law; and all Persons so removed, after being delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, as the Case may be, shall be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs, Processes, Decrees, or Warrants as aforesaid had been originally legally directed to and executed by such Sheriff or other Person as aforesaid.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.

VII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, to make sale and absolutely dispose of, either altogether or in Parcels, the Court House and Marshalsea of *Saint Sepulchre* situate at *Camden Row* in the City of *Dublin*, with the Precincts and Appurtenances thereunto belonging, and to convey the same to the Purchaser or Purchasers thereof, and also to sell the Fixtures and Furniture thereof, together with the Standard Weights and Measures of the said Archbishop; and every Conveyance made by the said Archbishop, with the Consent of the Lord Lieutenant, and purporting to be executed in virtue of the Provisions of this Act, shall be effectual to pass whatever Estate shall purport to be thereby conveyed, discharged from all Claims of Right or Title or any Charge and Incumbrance whatsoever.

Power to sell Court House and Marshalsea.

VIII. It

Application of Proceeds of Sale. Compensation to Officers.

VIII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, out of the Proceeds of such Sales, to make such Compensation to the present Seneschal, Registrars, and Marshal of said Court as to the said Archbishop shall seem proper, having regard to the Tenure of Office and Length of Service of such Officers; and if there shall remain any Surplus after Payment of the Costs and Expenses of such Sales and of such Compensations as aforesaid, the same may be applied by the said Archbishop in discharge of such other Expenses, Charges, and Claims (if any) as shall be incidental to and consequent on the passing of this Act and the Abolition of the Jurisdiction and Transfer of Markets pursuant to this Act, as to the Archbishop of *Dublin*, with the Consent of the Lord Lieutenant, shall seem proper; and in the last place in part Liquidation of the Charge now existing on the said See, and repayable to the present Archbishop by his Successor, or in such other Manner for the Benefit of the said See as the said Archbishop shall, with the Consent of the Lord Lieutenant, direct and appoint.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.

IX. And whereas it is expedient that Provision be made for the future Regulation of the Markets of *Saint Sepulchre* usually held in *Kevin Street* within the Limits of the Borough of *Dublin*: Be it therefore enacted, That from and after the Commencement of this Act, the said Markets shall vest in and belong to the Lord Mayor, Aldermen, and Burgesses of *Dublin*, and all Powers and Authorities theretofore exercised by any Weighmaster or other Person in respect of the said Markets shall cease and determine; and so much of an Act of the Parliament of *Ireland* passed in the Twenty-seventh Year of the Reign of King *George* the Third, Chapter Forty six, as relates to the Seneschal and Liberties and Market Juries of *Saint Sepulchre* shall be repealed.

Manor, &c. lying within the Municipal Boundaries subject to Acts relating to Improvement of the Borough.

X. All Acts now in force for the Regulation and Improvement of the Borough of *Dublin* shall be construed, deemed, and taken to have full Force and Effect within such Portions of the said Liberties and Manor of *Saint Sepulchre* as lie within the Municipal Boundaries of the said Borough.

The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

XI. The Lord Mayor of the City of *Dublin* for the Time being shall, from and after the Commencement of this Act, be Clerk of the Markets of *Saint Sepulchre* within the Limits of the Borough of *Dublin*, and shall have the future Appointment of the Deputy Clerk of the Markets therein; and the said Lord Mayor, Aldermen, and Burgesses of the said Borough shall and may respectively use and exercise all such Powers and Authorities with respect to the said Markets, or the Improvement or Extension of the same, within the said

said Limits, as are vested in him or them with respect to the other Markets within the said Borough, or with respect to providing Markets therein, under the Provisions of "The *Dublin* Improvement Act, 1849."

The Corporation not to demand any Stallages, &c. in the Markets of Saint Sepulchre until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849.

XII. It shall not be lawful for the said Lord Mayor, Aldermen, and Burgesses to demand from any Person any Stallages, Rents, or Fees for the standing of any Beast or Animal, or any Cart of Hay or Straw, or any other marketable Commodity exposed for Sale in the said Markets of *Saint Sepulchre* within the said Limits, save for such Stand, Stall, Shed, Pen, or other Convenience as they shall have erected therein; and the Stallages, Rents, or Fees to be demanded for the Use of any such Stall, Shed, Pen, or other Convenience so erected shall not exceed the several Stallages, Rents, and Fees authorized to be demanded by the said Lord Mayor, Aldermen, and Burgesses, and specified in Schedule (D.) in "The *Dublin* Improvement Act, 1849."

Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same.

XIII. Nothing herein contained shall be construed to impose upon the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, save with their Consent in Town Council assembled, any Obligation to maintain any of the Markets, public Scales, Stalls, or Tenements heretofore belonging to or held by the Lord Archbishop of *Dublin*, or any Liability to pay any Rents, Salaries, Fees, Perquisites, Compensations, Pensions, or Sums of Money to any Person or Persons whomsoever heretofore having or claiming any Right, Title, or Interest in connexion with any Market Court or other Jurisdiction or Right heretofore vested in or belonging to the said Lord Archbishop of *Dublin*.

Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.

XIV. Nothing in this Act contained shall prejudice or affect the Right of *Richard* now Lord Archbishop of *Dublin*, or his Executors or Administrators, to recover from his Successors in the said See of *Dublin* any Charge which he or they may have against such Successor for or in respect of the Palace or See House, and the said Court House and Premises of *Saint Sepulchre*, or the said Markets within the Borough of *Dublin*, or other Improvements in the said See.

Saving of Rights of Archbishop of Dublin as to the Royalties and Estates, &c. in the See.

XV. Nothing herein contained shall be deemed or taken to prejudice or affect the Royalties, or the Manorial or other Rights, Privileges, and Jurisdictions and Franchises of the said Archbishop of *Dublin* and Bishop of *Glandelagh*, and his Successors, or his or their respective Officers, in or throughout the Estates and Manors and Liberties

Saint Sepulchre's Manor (Dublin).

Liberties of the said See, and over the Tenants and Sub-Tenants thereof, or the Right or Power to enforce the same, save as hereinbefore otherwise respectively provided and declared.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. LVIII.

An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*. [21st *July* 1856.]

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland; and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 2 & 3 W. 4. c. 65.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith. Repeal of certain Provisions of recited Act.

 II. The

Assessors to make out List of Voters;

II. The Assessor of every Burgh shall, on or before the Fifteenth Day of *August* in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule A. hereunto annexed, a List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and such List shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and each Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and as regards all other Places, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with his Occupation, the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be written or printed; and shall, on or before the said Fifteenth Day of *August* in every Year, publish Copies of the said List, by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also, on or before such Fifteenth Day of *August*, give Notice by Advertisement in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Perusal; and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the Schedule B. hereto annexed: Provided always, that if any Person who may desire his Name not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and to publish such List;

and all Persons may have Copies.

Persons omitted in such Lists, &c. to lodge Claims;

III. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the last Day of *July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List,

List, shall on or before the Twenty-fifth Day of *August* in such Year give a Notice according to the Form Number 2. of the said Schedule A. or to the like Effect to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in Lists arranged as aforesaid, according to the Form Number 3. of the said Schedule A., signed by him.

and Assessors to make up Lists of Claimants.

IV. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the last Day of *July* next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the Twenty-fifth Day of *August* in such Year give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule A. or to the like Effect, and shall also on or before such Twenty-fifth Day of *August* give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule A. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Objections to List to be lodged.

V. The Assessor shall, in every Year, include the Names of all Persons so objected to in a List arranged as aforesaid, according to the Form Number 6. of the said Schedule A., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the First Day of *September* in each Year, by advertising in One or more Newspapers circulating in the Burgh the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal; and Copies of the said Lists, and also the Notices of Claims and Objections which he shall have received, shall, unless when in use in the Registration Court in Terms of this Act, be open, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, during the first Fourteen Days of *September* in the said Year; and the Assessor shall deliver Copies of the said Lists, or either of them, to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule B.

Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

and all Persons may have Copies.

VI. On or before the First of *September* in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessors to deliver Lists to Town Clerks.

VII. Where

Assessor to be nominated specially for this Act.

VII. Where in any Burgh there shall be more than One Assessor in and for such Burgh, the Magistrates of the Burgh shall, as soon as may be after the passing of this Act, and at latest within Three Weeks after the passing of the same, nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also make public Advertisement of such Appointment in some One or more Newspapers circulating in such Burgh; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any Burgh an Assessor so appointed shall cease to hold Office, the Magistrates shall, at latest within Three Weeks thereafter, appoint another Assessor to act as aforesaid, and make public Advertisement of such Appointment as before mentioned; and in the event of such Magistrates failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within Five Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act: Provided always, that if any Portion of a County shall for Election Purposes be included in any Burgh, the Assessor of the Burgh shall in relation thereto perform all the Duties required by this Act, and the Assessor of the County shall be bound to afford the Assessor of the Burgh all reasonable Access to the Valuation Roll of the County for that Purpose.

Assessors disqualified from voting.

VIII. Every Assessor in any Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such Burgh, and also from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

IX. Whenever any Notice is by this Act required to be given to the Assessor, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

X. In

X. In all Cases where any Notice is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than Six and not later than Eight Days after the Day on or before which such Advertisement is herein required to be published.

Advertisements under this Act.

XI. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Lists put up to be maintained; if removed, &c. to be replaced.

XII. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall for every such Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Penalty for injuring Lists put up.

XIII. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Lists not invalidated by deficient Publication.

XIV. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer to whom Claims or Objections are appointed to be given in or transmitted.

Errors of Officers not to affect Claims.

XV. Where in any Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform *ad interim* the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like

Provision for filling up ad interim Offices on which Duties are imposed by this Act.

Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XVI. Any Person whose Name shall be on any List of Voters for the Time being for any Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October*, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Roll to be primâ facie Evidence of Matters stated therein.

XVII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of *August* in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as *primâ facie* Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the Fifteenth Day of *May* in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as *primâ facie* Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are of have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Town Clerks to transmit Abstracts of Lists to Sheriffs.

XVIII. Each Town Clerk shall, on the First Day of *September* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his Burgh to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in such Burgh.

XIX. Every

Registration of Voters (Scotland).

Sheriffs to hold Courts for revising Lists.

XIX. Every Sheriff shall, between the First Day of *September* and the First Day of *October* in each Year, revise the Register of Voters of the County and the Lists of the several Burghs thereof, and for this Purpose shall hold open Courts during the said Period as prescribed in the said recited Act; and shall, on or before the First Day of *September* in each Year, or as soon thereafter as possible, deliver to the Sheriff Clerk of the County and to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold such Courts; and such Town Clerk shall forthwith cause public Notice of such Burgh Registration Courts to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessors of such Burgh, and shall require them to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Town Clerks, &c. to attend Burgh Registration Courts, and produce Lists, Valuation Rolls, &c.

XX. The Town Clerk of every Burgh, and all Assessors of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff the List of Voters; that is to say, the List first made out by such Assessor, and the Lists of Claimants and of Persons objected to in the then current Year, relating to such Burgh, and also, from and after the Year One thousand eight hundred and fifty-six, One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and the Person having the Custody of the Valuation Roll then in force shall have the same on the Table of the Registration Court; and the Town Clerk and Assessors respectively shall produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

Claimants omitted in Lists may be enrolled by Sheriff.

XXI. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such Burgh shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the last Day of *July* last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

XXII. It

But Claims omitted may be objected to.

XXII. It shall be lawful for any Person whose Name shall be on any List of Voters for any Burgh to oppose the Claim of any Person to have his Name inserted in the List of Voters for the same Burgh; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs to revise and correct Lists.

XXIII. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any Insertion made by him.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXIV. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act, upon *ex parte* Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff, or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

XXV. Every

XXV. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, but so that no such adjourned Court shall be holden after the Thirtieth Day of *September* in any Year; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly.

Sheriffs may adjourn Registration Courts, but to conclude Business by 30th September annually.

XXVI. On the Revision of the Lists of Voters for any Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the First Day of *October* in such Year, deliver the same to the Town Clerk of such Burgh; and such Town Clerk shall retain the same in his Possession, and produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Town Clerk for Production at Appeal Courts.

XXVII. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their Courts on some Day between the Thirtieth Day of *September* and Eighth Day of *October* in each Year, and shall finally determine all such Appeals in Burghs on or before the Twenty-first Day of *October* thereafter, and in Counties on or before the Thirty-first Day of *October* thereafter; provided also, that in Burghs, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

Persons dissatisfied may appeal, and all Appeals in Burghs to be disposed of by 21st and in Counties by 31st October.

XXVIII. All Town Clerks, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing

Town Clerks, &c. to attend Appeal Courts.

reviewing the Judgments of such Sheriff under this and the first-recited Act.

Town Clerks to cause Burgh Lists to be printed, and to authenticate them.

XXIX. The Town Clerk of every Burgh shall forthwith, after the Thirtieth Day of *September* in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book, arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons registered as Voters, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Book shall be so arranged and printed, that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached, and ready for the Purposes of this Act, or for Sale as aforesaid; and the said Town Clerk shall forthwith after the Twenty-first Day of *October* in each Year make all such Corrections and Alterations on the said Book as may be necessary to give Effect to all Decisions of the Court of Appeal, and shall prefix to every Name in the said Register Book its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name; and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same, on or before the Thirty-first Day of *October*, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XXX. The said printed Book or Books so signed as aforesaid by the Town Clerk of any Burgh and delivered to the Sheriff shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same Burgh between the Thirty-first Day of *October* in the Year wherein such Register shall have been made and the First Day of *November* in the succeeding Year; and the Town Clerk of every Burgh shall keep printed Copies of such Register for such Burgh, and shall deliver Copies thereof or of any Part thereof to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table

Table Number 2. of the Schedule B. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Ward or Polling District respectively; provided also, that the Register of Electors now existing shall be the Register in force for Elections of Members of Parliament until the First Day of *November* in the Year One thousand eight hundred and fifty-six; provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County on its being proved to him to exist; and such Correction shall be made by the Sheriff writing such Correction on such printed Book and signing his Name and the Date of such Correction against the same.

Register of Voters to be in force till new Register established.

XXXI. Every Register of Voters established or that shall be established for any Burgh shall continue to be the Register for such Burgh until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Burgh Registers under this Act to come in place of Registers established by 2 & 3 W. 4. c. 65.

XXXII. The Register of Voters in any Burgh as completed by the Court of Appeal in each Year shall, for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the first-recited Act; and so much of the said recited Act of the Third and Fourth *William* Fourth as enacts that the Town Clerk of each Burgh shall, on or before the Sixteenth of *September* in each Year, make up and complete the List or Roll of Persons entitled to vote in the Election of the Common Council of the Burgh, is hereby repealed, and the said List or Roll shall be made up and completed on or before the Thirty-first Day of *October* in all future Years.

Payments by Persons claiming to be registered, &c. abolished.

XXXIII. All Provisions of the first-recited Act as to any Payments thereby required to be made in Burghs by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote for any Burgh, are hereby repealed.

How Distances to be measured.

XXXIV. The Distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that

that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the Principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

When a Sunday is last-named Day, the Day after to be the last Day.

XXXV. When any of the Days on which or before which any Acts and Proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a *Sunday*, then and in that Case the several Acts and Proceedings appointed to take place on or before such Day shall take place on or before the Day next ensuing.

Agents and Mandatories may act for Party.

XXXVI. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be *primâ facie* a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

No written Pleadings to be allowed in Registration Courts.

XXXVII. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

Penalty on Persons not attending Registration Courts when required.

XXXVIII. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXIX. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in an ordinary

ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be cited, as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others for Neglect of Duty.

XL. Any Assessor who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act; and any Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XLI. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any Burgh, he shall pay over the Sum so received by him to the Assessor for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLII. The Town Clerk of every Burgh shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor for the Purposes of this Act; and in like Manner every Assessor shall keep an Account of the Monies received by him from the Sale of any

Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

XLIII. As soon as may be after the Completion of each annual Registration under this Act, the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such Burgh, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively, which they may deem proper; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Magistrates shall cause the Amount of such Excess to be apportioned upon the Parishes within such Burgh, according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Magistrates thereof, in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no Burgh shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

XLIV. At every future Election for a Member or Members to serve in Parliament for any Burgh or District of Burghs, the Register of Voters so made as aforesaid or under the said recited Act, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take the Oath of Possession.

XLV. Every

Registration of Voters (Scotland).

XLV. Every Sheriff, Town Clerk, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

Penalty on Persons wilfully contravening this Act.

XLVI. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Misnomer not to vitiate.

XLVII. It shall be in the Power of the Sheriff Principal of each County, or of the Sheriffs constituting any Court of Appeal under the said first-recited Act, with Consent of the Lord Advocate, to issue any Regulations he or they shall find necessary in order to carry this Act into effect during this present Year Eighteen hundred and fifty-six; and in case any Claims or Objections with reference to any Burgh shall be given in during this present Year in Terms of the said first-recited Act, the same shall be transmitted by the Town Clerk to the Assessor, and in so far as not given Effect to by him shall be included in the List of Claimants and of Persons objected to respectively to be published in Terms of this Act, and any Notices given in Terms of the said first-recited Act prior to the passing of this Act, which in consequence thereof are unnecessary or inconsistent with the Provisions of this Act, shall be of no Effect.

Sheriff Principal or Sheriffs to issue Regulations for carrying Act into effect.

XLVII. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except

Interpretation of Terms.

except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited Act; the Word "Magistrates" shall include Magistrates and Council; the Words "Oath of Possession" shall mean and include the Words, "That I am still Proprietor (or Occupant) of the Property for which I am so registered, and hold the same for my own Benefit and not in trust for or at the Pleasure of any other Person;" the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then to such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

17 & 18 Vict. c. 91.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

No. 1.

The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Occupation.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A. B.*
Assessor of the Burgh of

No. 2.

Forms of Notice of Claim to be given to Assessors.

To the Assessor of the Burgh of

I hereby give you Notice, that I claim to have my Name inserted in the List of Persons entitled to vote in the Election of a Member (*or* Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185

(Signed) *C. D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

No. 3.

Burgh of

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (*or* Members) of Parliament for the Burgh of

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Claimant at full Length.	Occupation.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A. B.*

Assessor of the Burgh of

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the Burgh of

I hereby give you Notice, that I object to the Name of *A.B.*, who is described as follows, (*here insert the Entry applicable to such Person in the Assessors List of Voters,*) being retained in the List of Persons entitled to vote in the Election of a Member (*or* Members) for the Burgh of

Dated this Day of , 185 .

(Signed) *E. F.*

(Place of Abode.)

No. 5.

Form of Notice of Objection to be given to Parties objected to.

Burgh of

To Mr.

Take Notice, that I object to your Name being retained on the List of Persons entitled to vote in the Election of Members (*or* a Member) for the Burgh of

Dated this Day of , 185 .

(Signed) *E. F.*

(Place of Abode.)

No. 6.

List of Persons objected to, to be published by the Assessors.

Burgh of

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (*or* Members) for the Burgh of :—

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate.

(Signed) *A. B.*

Assessor of the Burgh of

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SCHEDULE B.

No. 1.

Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names:—

	s.	d.
Not exceeding 100 Names - - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - - - -	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names:—

	s.	d.
Not exceeding 1000 Names - - - -	1	0
Exceeding 1000 and not exceeding 3000 - -	2	6
Exceeding 3000 and not exceeding 6000 - -	5	0
Exceeding 6000 and not exceeding 9000 - -	7	6
Exceeding 9000 - - - - - -	10	0

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any Parts of such Revenue respectively, shall cease to be so charged and payable; and such of the said Charges and Payments as are described in the said Schedule (A.) shall be charged on and payable out of the Consolidated Fund of the United Kingdom; and such of the said Charges and Payments as are described in the said Schedule (B.) shall be paid out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Annuities and Salaries charged on the Revenues of Customs, Excise, and Post Office, to be transferred to the Consolidated Fund.

	£
An Annuity granted to the Duke of Marlborough under the Provisions of the Act 5th of Anne, Cap. 4., charged on the Post Office Revenue, the net annual Amount payable in respect of which is - - - - - - - - - -	4,000
The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is - - - - - - - -	1,200
An Annuity payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is - - - - - - - -	3,384
The Three Fourth Parts of an Annuity granted by King George the First to Maynhard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is -	2,160

Such of the Salaries of Sheriff Clerks and others, made payable out of the gross Produce of Customs and Excise, under the Act of the Seventh Year of Queen Anne, Chapter Eleven, the Act of the Tenth Year of Queen Anne, Chapter Twenty-six, and subsequent Acts, as by the Proviso in Section One of the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-four, continue to be payable out of such gross Produce, so long as the present Holders of the Offices continue to hold the same; such Salaries to be charged on the Consolidated Fund so long only as they would have been payable out of such gross Produce if this Act had not been passed.

SCHE-

SCHEDULE (B.)

Charges and Payments charged under the Provisions of various Acts of Parliament upon the Revenues of Customs, Excise, Taxes, and Post Office, to be paid out of Aids or Supplies to be provided for the Purpose.

Superannuations, Pensions, Compensations, and Annuities granted in respect of Services rendered by Persons formerly employed in the several Revenue Departments.

Expenses payable out of the Consolidated Customs under the Act 17 & 18 Victoria, Cap. 104.

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CAP. LX.

An Act to amend the Laws of *Scotland* affecting Trade and Commerce. [21st *July* 1856.]

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of *Scotland* being in some Particulars different from those of *England* and *Ireland* in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Law of *Scotland* as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Goods sold, but not delivered, not to be attachable by Creditors of the Seller.

I. From and after the passing of this Act, where Goods have been sold, but the same have not been delivered to the Purchaser, and have been allowed to remain in the Custody of the Seller, it shall not be competent for any Creditor of such Seller, after the Date of such Sale, to attach such Goods as belonging to the Seller by any Diligence or Process of Law, including Sequestration, to the Effect of preventing the Purchaser or others in his Right from enforcing Delivery of the same; and the Right of the Purchaser to demand

Delivery of such Goods shall from and after the Date of such Sale be attachable by or transferable to the Creditors of the Purchaser.

Seller not entitled to a Right of Retention generally against Second Purchaser.

II. Where a Purchaser of Goods who has not obtained Delivery thereof shall after the passing of this Act sell the same, the Purchaser from him or any other subsequent Purchaser shall be entitled to demand that Delivery of the said Goods shall be made to him and not to the original Purchaser; and the Seller, on Intimation being made to him of such subsequent Sale, shall be bound to make such Delivery, on Payment of the Price of such Goods, or Performance of the Obligations or Conditions of the Contract of Sale, and shall not be entitled, in any Question with a subsequent Purchaser, or others in his Right, to retain the said Goods for any separate Debt or Obligation alleged to be due to such Seller by the original Purchaser: Provided always, that nothing in this Act contained shall prejudice or affect the Right of Retention of the Seller for Payment of the Purchase Price of the Goods sold, or such Portion thereof as may remain unpaid, or for Performance of the Obligations or Conditions of the Contract of Sale, or any Right of Retention competent to the Seller, except as between him and such subsequent Purchaser, or any such Right of Retention arising from express Contract with the original Purchaser.

Arrestment and Poinding of Goods by Seller.

III. Any Seller of Goods may attach the same while in his own Hands or Possession, by Arrestment or Poinding, at any Time prior to the Date when the Sale of such Goods to a subsequent Purchaser shall have been intimated to such Seller, and such Arrestment or Poinding shall have the same Operation and Effect in a Competition or otherwise as an Arrestment or Poinding by a Third Party.

Rights of Landlord not to be affected.

IV. Nothing herein-before contained shall prejudice or affect the Landlord's Right of Hypothec and Sequestration for Rent.

Seller not held to warrant Goods, except there be an express Warranty in Contract.

V. Where Goods shall, after the passing of this Act, be sold, the Seller, if at the Time of the Sale he was without Knowledge that the same were defective or of bad Quality, shall not be held to have warranted their Quality or Sufficiency, but the Goods, with all Faults, shall be at the Risk of the Purchaser, unless the Seller shall have given an express Warranty of the Quality or Sufficiency of such Goods, or unless the Goods have been expressly sold for a specified and particular Purpose, in which Case the Seller shall be considered, without such Warranty, to warrant that the same are fit for such Purpose.

VI. From and after the passing of this Act, all Guarantees, Securities, or Cautionary Obligations made or granted by any Person for any other Person, and all Representations and Assurances as to the Character, Conduct, Credit, Ability, Trade, or Dealings of any Person, made or granted to the Effect or for the Purpose of enabling such Person to obtain Credit, Money, Goods, or Postponement of Payment of Debt, or of any other Obligation demandable from him, shall be in Writing, and shall be subscribed by the Person undertaking such Guarantee, Security, or Cautionary Obligation, or making such Representations and Assurances, or by some Person duly authorized by him or them, otherwise the same shall have no Effect.

Guarantees, &c. to be in Writing.

VII. No Guarantee, Security, Cautionary Obligation, Representation, or Assurance granted or made after the passing of this Act to or for a Company or Firm consisting of Two or more Persons, or to or for a single Person trading under the Name of a Firm, shall be binding on the Granter or Maker of the same in respect of anything done or omitted to be done, after a Change shall have taken place in any One or more of the Partners of the Company or Firm to which the same has been granted or made, or of the Company or Firm for which the same has been granted or made: Unless the Intention of the Parties that such Guarantee, Security, Cautionary Obligation, Representation, or Assurance, shall continue to be binding, notwithstanding such Change, shall appear either by express Stipulation, or by necessary Implication from the Nature of the Firm or otherwise.

Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases.

VIII. Where any Person shall, after the passing of this Act, become bound as Cautioner for any Principal Debtor, it shall not be necessary for the Creditor to whom such Cautionary Obligation shall be granted, before calling on the Cautioner for Payment of the Debt to which such Cautionary Obligation refers, to discuss or do Diligence against the Principal Debtor, as now required by Law; but it shall be competent to such Creditor to proceed against the Principal Debtor and the said Cautioner, or against either of them, and to use all Action or Diligence against both or either of them which is competent according to the Law of *Scotland:* Provided always, that nothing herein contained shall prevent any Cautioner from stipulating in the Instrument of Caution that the Creditor shall be bound before proceeding against him to discuss and do Diligence against the Principal Debtor.

Cautioners not to be entitled to Benefit of Discussion.

IX. From and after the passing of this Act, where Two or more Parties shall become bound as Cautioners for any Debtor, any Discharge

Discharge of One Cautioner to ope-

rate as a Discharge to all.

charge granted by the Creditor in such Debt or Obligation to any One of such Cautioners without the Consent of the other Cautioners shall be deemed and taken to be a Discharge granted to all the Cautioners; but nothing herein contained shall be deemed to extend to the Case of a Cautioner consenting to the Discharge of a Co-cautioner who may have become bankrupt.

Date of Bills or Notes may be proved by Parole.

X. From and after the passing of this Act, where any Bill of Exchange or Promissory Note shall be issued without Date, it shall be competent to prove by Parole Evidence the true Date at which such Bill or Note was issued: Provided always, that Summary Diligence shall not be competent on any Bill or Note issued without a Date.

Acceptance of Bill of Exchange must be in Writing.

XI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of *December* One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person unless the same be in Writing on such Bill, or if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

All Bills drawn within the United Kingdom, &c. on any Party within the United Kingdom, &c. to be held Inland Bills.

XII. Every Bill of Exchange drawn in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which but for this Enactment would be payable in respect of any such Bill.

Notarial Protest not to be necessary, except for the Purpose of Summary Diligence.

XIII. From and after the passing of this Act, where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and the same shall be dishonoured by not being accepted or paid, or where any Promissory Note shall be presented for Payment, and dishonoured by not being paid, it shall not be necessary that a Notarial Protest shall be taken on such Bill of Exchange or Promissory Note in order to preserve Recourse against the Drawer or Indorser of such Bill or Promissory Note respectively; but it shall be sufficient to prove such Presentment and Dishonour, to the Effect of preserving Recourse as aforesaid by other competent Evidence, either written or parole: Provided always, that nothing herein contained shall be taken to affect the Necessity for a Notarial Protest in order to entitle the Holder

Holder of any Bill or Note to proceed with Summary Diligence thereon.

XIV. Where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and such Acceptance or Payment shall be refused, or where any Promissory Note shall be presented for Payment, and Payment shall be refused, Notice of the Dishonour of such Bill or Promissory Note by such Refusal to accept or pay shall, in order to entitle the Holder to have Recourse to any other Party, be given in the same Manner and within the same Time as is required in the Case of Foreign Bills by the Law of *Scotland*.

Notice of Dishonour in the Case of Inland Bills to be given as in the Case of Foreign Bills.

XV. Where any Bill or Note has been lost, stolen, or fraudulently obtained, the Holder of such Bill or Note suing or doing Diligence thereon shall be bound to prove that Value was given by him for the same; but such Proof may be made by Parole Evidence.

When Bill lost, stolen, or fraudulently obtained, Holder must prove Value given.

XVI. When any Bill of Exchange or Promissory Note shall, after the passing of this Act, be indorsed after the Period when such Bill of Exchange or Promissory Note became payable, the Indorsee of such Bill or Note shall be deemed to have taken the same subject to all Objections or Exceptions to which the said Bill or Note was subject in the Hands of the Indorser.

Holder of Bill or Note indorsed after Period of Payment to be subject to Objections, &c.

XVII. From and after the passing of this Act, all Carriers for Hire of Goods within *Scotland* shall be liable to make good to the Owner of such Goods all Losses arising from accidental Fire while such Goods were in the Custody or Possession of such Carriers.

Carriers to be liable for Losses by accidental Fires.

XVIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to or Supplies furnished to or for Ships, every Port within the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Every Port in United Kingdom, &c. to be deemed a Home Port.

XIX. The Court of Session is hereby empowered from Time to Time, after the passing of this Act, to make such Regulations by Act or Acts of Sederunt as the said Court may deem meet for carrying into effect the Purposes of this Act: Provided always, that within Fourteen Days from the Commencement of any future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Court of Session to make Regulations for carrying Act into effect.

Title of Act.

XX. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, *Scotland*, 1856."

Act to apply to Scotland only.

XXI. Nothing in this Act contained shall apply to any Part of the United Kingdom except *Scotland*.

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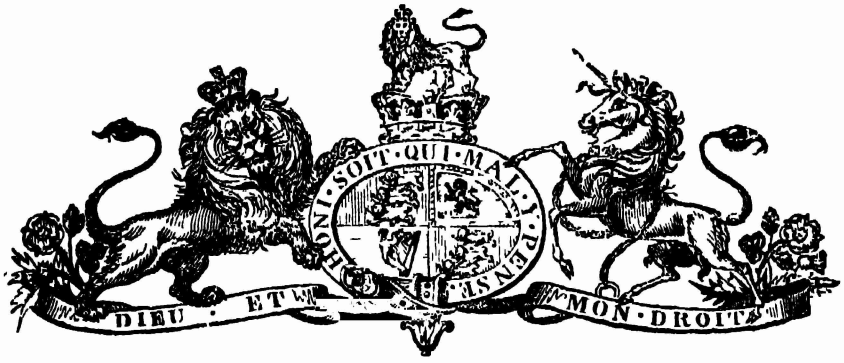

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contained, were continued until the Thirty-first Day of *December* One thousand eight hundred and fifty-six: And whereas it is expedient that the said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty should be further continued, and also that the same should be amended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of Master General and Board of Ordnance under 4 & 5 Vict. c. 30. vested in the Secretary of State for War.

I. All the Powers, Authorities, Acts, Matters, and Things which, under or by virtue of the said recited Act of the Fourth and Fifth Years of Her present Majesty, are or were vested in, or are or were or may be or might have been exercised or done by, the Master General and Board of Her Majesty's Ordnance, or by the principal Officers of Her Majesty's Ordnance, or by any of them respectively, shall and may henceforth be vested in and be exercised and done by Her Majesty's Principal Secretary of State for the War Department for the Time being.

First-recited Act further continued to 31st December 1861.

II. The said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty, as the same is amended by this Act, shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-one.

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gation by the Course of the *Woodford* River and Lakes, from Lough *Erne*, at the Mouth of the said River, to the River *Shannon* near the Village of *Leitrim:*

In the District of Loughs *Corrib*, *Mask*, and *Carra*, in the County of the Town of *Galway* and Counties of *Galway* and *Mayo*, the Navigation by the River and Lake *Corrib*, and Loughs *Corrib*, *Mask*, and *Carra*, from the Sea at *Galway* to the Northern Extremity of the said Lough *Mask* and *Carra*, and to *Cloon Lough* in the River *Aill*.

And that free Grants to the Amount therein mentioned had been theretofore made by the Authority of Parliament for the Purposes of the said Navigations, it is enacted, That it should be lawful for the Commissioners of Her Majesty's Treasury, out of the Monies therein mentioned, to issue such Sum as might be necessary towards defraying the Expenses incurred in respect of the several Navigations therein mentioned, and towards the Completion of such several Navigations or such of them, or such Parts of them or any of them as it might be considered by the Commissioners of the Treasury expedient and proper to complete; and that the said Commissioners of the Treasury might authorize and direct the Commissioners of Public Works to cause to be completed the said Navigation Works or such of the same, or such Portions of them or any of them as upon Inquiries as therein mentioned the said Commissioners of the Treasury might think fit, and with any Modifications or Alterations which to them might appear expedient; and that it should be lawful for the Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works, or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, should be deemed and become the public Property of the County or Counties, if more than One, in which respectively the Lands chargeable under the Award in relation to the said Navigations respectively are situate; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, should be deemed and taken to be the public Property of such County or Counties as aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such County or Counties, with such Powers and Authorities and subject to such Provisions and Regulations as might thereafter be established by Parliament in relation thereto: And whereas the Three Navigations herein-before mentioned, with certain Modifications or Alterations directed under the said Act, have been or shortly will be completed: And whereas it is expedient to provide for the due and proper Maintenance and Regulation of the said Navigations, and for that Purpose

Purpose that such Navigations should be vested in Trustees as herein after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Navigation in the District of Lough *Neagh* shall for the Purposes of this Act be divided into Two Navigations; and One of such Navigations shall be called "*Lower Bann* Navigation," and shall consist of the Portion of the said Navigation in the District of Lough *Neagh* next herein-after described; (that is to say,) the Portion of the said Navigation which extends from the Bridge of *Coleraine* in the tidal Part of the River *Bann* to Lough *Neagh* in the Counties of *Londonderry* and *Antrim* respectively, including that Part of Lough *Neagh* situate in the said last-mentioned Counties, according to the Boundaries of the said Counties through the Waters of the said Lough as laid down on the Ordnance Survey; and the other of such Navigations shall be called "*Upper Bann* Navigation," and shall consist of the Portion of the Navigation in the District of Lough *Neagh* herein-after described; (that is to say,) the Portion of the said Navigation which extends from *Blackwater Town* by the River *Blackwater* to Lough *Neagh*, including that Part of the said Lough situate in the said Counties of *Armagh*, *Tyrone*, and *Down*, according to the Boundaries of the said Counties through the Waters of the said Lough as laid down on the Ordnance Survey.

The Navigation in the District of Lough Neagh to be divided into Two Navigations for the Purposes of this Act.

II. The said *Lower Bann* Navigation and *Upper Bann* Navigation, the said Navigation in the District of *Ballynamore* and *Ballyconnell*, and the said Navigation in the District of *Lough Corrib*, *Mask*, and *Carra*, together with all Locks, Weirs and other Works, Rights, Members, and Appurtenances thereto belonging, shall, by virtue of this Act, and from the Date of the Award of the said Commissioners of Public Works under the said Act of the last Session of Parliament in relation thereto, vest in the Trustees for the Time being incorporated under this Act for such Navigation, for the Use of the Counties, Baronies, and Townlands chargeable under such Award, and shall be held, maintained, and preserved by such Trustees, subject to the Provisions in this Act contained.

Navigations to vest in Trustees for the Use of Counties.

III. The Works to be vested as aforesaid in the Trustees of the said Navigations respectively under this Act shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works, and the Works (connected with such Navigations respectively) for the Maintenance whereof as Works of Drainage Trustees are to be appointed under the Act of the Session holden in the

Commissioners to determine what are Navigation Works and what are Drainage Works.

the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same, shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works.

Trustees of Lower Bann Navigation.

IV. The following Persons shall be Trustees of the said *Lower Bann* Navigation; that is to say, *George Macartney*, Esquire, M.P., the Reverend *Arthur Pakenham*, *John Montgomery* Esquire, *John Rowley Miller* Esquire, and *Henry Stanley M'Clintock* Esquire, as Trustees on behalf of and as representing the County of *Antrim;* and Sir *H. Hervey Bruce* Baronet, *Robert Peel Dawson* Esquire, *Andrew Spotswood* Esquire, *George Bicknell* Esquire, and *Henry Anderson* Esquire, as Trustees on behalf of and as representing the County of *Londonderry;* and *Charles James Knox* Esquire, on behalf of and as representing the Borough of *Coleraine;* and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Lower Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal.

Trustees of Upper Bann Navigation.

V. The following Persons shall be Trustees of the said *Upper Bann* Navigation; (that is to say,) *John Calvert Stronge* Esquire, *John Hancock* Esquire, and *Denis C. Brady* Esquire, as Trustees on behalf of and as representing the County of *Armagh; Richard Loyd* Esquire, *John Cranston* Esquire, and *Walter Hoare* Esquire, as Trustees on behalf of and as representing the County of *Tyrone;* and Major *Henry Waring* and *Crane Brush* Esquire, as Trustees on behalf of and as representing the County of *Down;* and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Upper Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Ballinamore and Ballyconnell District.

VI. The following Persons shall be Trustees of the said Navigation in the District of *Ballinamore* and *Ballyconnell*; that is to say, *Perrott Thornton* Esquire, Captain *John Johnston*, and *Archibald Godley* Esquire, as Trustees on behalf of and as representing the County of *Cavan; Francis La Touche* Esquire, *William Lawder* Esquire, and *Hugh O'Beirne* Esquire, as Trustees on behalf of and as representing the County of *Leitrim;* the Right Honourable the Earl of *Erne*, the Reverend *John Grey Porter*, and *Robert Collins* Esquire, as Trustees on behalf of and as representing the County of *Fermanagh;* and the Right Honourable Lord Viscount *Lorton*, *Edward King Tenison* Esquire, and *James Kerkwood* Esquire, as Trustees on behalf of and as representing the County of *Roscommon;* and the Trustees for the Time being of such Navigation shall be a Body Corporate,

Corporate, by the Name and Style of "The *Ballinamore* and *Ballyconnell* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Lough Corrib District.

VII. The following Persons shall be Trustees of the said Navigation in the District of Loughs *Corrib*, *Mask*, and *Carra*; that is to say, the Most Noble the Marquis of *Clanricarde*, Lord *Clanmorris*, *Anthony O'Flaherty* Esquire, M.P., *Francis Blake* (of *Cregg*) Esquire, *James Martin* Esquire, and *Denis Kirwan* Esquire, as Trustees on behalf of and as representing the County of *Galway*; *Edward C. Burke* Esquire, the Reverend *Peter Daley*, and *John Blakeney* Esquire, as Trustees on behalf of and as representing the County of the Town of *Galway*; and the Right Honourable the Earl of *Lucan*, Lieutenant Colonel *G. G. Ouseley Higgins*, M.P., and Colonel *Charles Knox*, as Trustees on behalf of and as representing the County of *Mayo*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Lough *Corrib* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Navigation Trustees may purchase and hold Lands, &c.

VIII. The said Navigation Trustees so respectively incorporated may for the Purposes of their respective Trusts (without Licence in Mortmain) purchase, take, and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof.

Grand Jury may remove Trustees.

IX. It shall be lawful for the Grand Jury of every County which or any Barony or Townland in which is chargeable under the Award of the said Commissioners of Public Works in relation to any Navigation herein-before mentioned, and vested in Trustees under this Act, at any Assizes to be hereafter held for such County, to remove any of the Trustees of such Navigation named in this Act, or to be hereafter elected on behalf of such County.

Provisions for supplying Vacancies among Trustees.

X. If any Trustee named in or to be elected under this Act die, resign, or refuse or become incapable to act, or be removed, it shall be lawful for the Grand Jury at any Assizes to be holden for the County on behalf of which such Trustee shall have been named or elected to elect another Trustee in his Place; provided, that every Trustee to be so elected shall be seised or possessed of Freehold or Leasehold Lands situate in the County on behalf of which he is elected of the yearly Value of One hundred Pounds or upwards over and above any Rent payable thereout, or shall be Agent to an Estate in such County of the yearly Value of Two thousand Pounds or upwards, or to Two or more Estates in such County of such yearly Value in the whole: Provided always, that the same Power of Appointment and Removal hereby given to the Grand Juries with regard to the Trustees for the Counties of *Antrim* and *Londonderry*, shall, as far as

One of such Trustees, in the Case of the said *Lower Bann* Navigation, be exercised by the Town Commissioners of *Coleraine*.

Power to appoint Officers.

XI. It shall be lawful for the said Navigation Trustees respectively from Time to Time to appoint and employ an Engineer and Superintendent of the Navigation and Works of which they are Trustees, a Clerk, Collectors, and such other Officers and Servants as may be necessary, at such Salaries or Payment respectively as the said Navigation Trustees may think proper, and from Time to Time to dismiss at their Discretion the Persons so appointed or employed, and appoint and employ others in their Place.

First Meetings of Trustees.

XII. The said Trustees so respectively incorporated shall hold their First Meetings respectively at Noon on the Third Tuesday in the Month of *January* next, and such Meetings shall respectively be held as follows:

For the *Lower Bann* Navigation at the Court House in *Ballymoney* in the County of *Antrim*:

For the *Upper Bann* Navigation at the Court House in *Lurgan* in the County of *Armagh*:

For the *Ballinamore* and *Ballyconnell* District at the County Court House in *Cavan* in the County of *Cavan*:

For the Loughs *Corrib*, *Mask*, and *Carra* District at the County Court House in *Galway*.

Quorum of Trustees.

XIII. All Powers and Duties vested in the Trustees of any of the said Navigations may be exercised at any Meeting of such Trustees at which not less than Three of them are present.

Trustees may appoint Committees.

XIV. It shall be lawful for the Trustees of any such Navigation as aforesaid from Time to Time to appoint from among themselves Committees for such Purposes, connected with the Management of such Navigation, as such Trustees may think fit, and from Time to Time to continue, alter, or discontinue any such Committee; provided that no such Committee shall be appointed consisting of less than Three Persons.

Power to take Tolls.

XV. It shall be lawful for the said Trustees, from Time to Time and at all Times hereafter, to demand, receive, levy, and take for and in respect of the Use of the Navigation of which they are Trustees, and also for Wharfage or Quayage at any Pier, Harbour, Landing Place, Quay, or Wharf, built, erected, or made in connexion therewith, such Rates or Tolls as the said Trustees, with the Approbation of the said Commissioners of the Treasury, think fit; and it shall be lawful for the said Trustees to fix the Time or Times respectively from and after which such Rates or Tolls shall be payable.

XVI. Any

XVI. Any Boat or Vessel charged with a Tonnage Rate shall not in any event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Two Shillings and Sixpence *per* Ton; and any Boat or Vessel charged with a Rate *per* Boat or Boat Load shall not in any event be liable to pay in respect of any One Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Eight Shillings *per* Boat or Boat Load: Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed by the said Trustees under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Limitation of Tolls.

XVII. It shall be lawful for the said Trustees from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time, with the like Approbation, to raise the same or any of them to any Amount not exceeding the Amount herein-before specified: Provided also, that if such Rates or Tolls shall have been let or demised by the said Trustees no Alteration shall be made therein during the Continuance of such Lease or Demise unless with the Consent in Writing of the Tenant or Lessee.

Tolls may be raised or lowered.

XVIII. If any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable under this Act and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandise, or other Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandise, or other Things shall, upon such weighing, measuring, or gauging, appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandise, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandise so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof;

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods in order to ascertain Amount to be paid.

thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandise, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandise, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

Lock-keepers to attend Locks.

XIX. Any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any of the said Navigations shall constantly attend to the same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Byelaws, Rules, and Regulations which shall be made being complied with; and each such Lock or Bridge Keeper wilfully neglecting the Duties of his Office in any of the Matters aforesaid shall be liable to a Penalty of not more than Five Pounds for each Offence.

Penalty on Neglect.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XX. The said Trustees shall cause an Account or List, printed or painted in legible Characters, of the several Rates or Tolls which the said Trustees shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place at or near which any such Rates or Tolls shall be collected or received, and shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced.

For enforcing the Payment of Rates and Tolls.

XXI. It shall be lawful for the Collectors appointed and authorized in this Behalf by the said Trustees of the said Navigations respectively to demand and take the Tolls and Rates payable by virtue

virtue of this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls to the respective Persons appointed to receive the same as aforesaid, the said Trustees may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record, or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Power to Trustees to grant Leases of the Rates and Tolls.

XXII. It shall be lawful for the said Trustees (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls and Rates payable under the Provisions of this Act for Terms not exceeding Seven Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease as the said Trustees shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Trustees and the Person appointed by them to collect such Tolls and Rates.

Power of Re-entry in case of Nonperformance of the Conditions of such Leases.

XXIII. In case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease of such Rates or Tolls, or in case any such Lease shall in any other Manner become void or voidable or determine, or in case any Collector of the said Rates or Tolls, appointed by the said Trustees as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto

 respectively

respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing on behalf of the said Trustees shall be given to him, or affixed to such Toll House, Office, or Building, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Trustees, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Trustees, their Agent, or their new Lessee or Collector, into the Possession thereof; and it shall be lawful for the said Justices to declare such Lease to be void and determined, and the same shall be void and determined accordingly (save as to any Rights and Liabilities in respect of any Rent already accrued and any Breach of any Terms or Conditions already committed)

Application of Income derived from Receipt of Tolls or Rates.

XXIV. The Income which the said Trustees shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act shall be applied, in the first instance, in paying the Salaries of the Officers and Servants authorized by this Act to be appointed by the Trustees, and in Payment of Expenses of collecting such Tolls and Rates as aforesaid, and of the Expenses attending or incident to the Maintenance of the Works of the Navigation of which they are Trustees, and all other Expenses attending the Conservancy of such Navigation.

Expenses of Navigations not defrayed by Income to be paid by Counties, &c. as herein named.

XXV. All Expenses of and incident to the Maintenance and Conservancy of each of the said Navigations shall (so far as the same may not be defrayed out of the Income aforesaid) be borne and paid by such Counties, Baronies, and Townlands, and Parts thereof respectively, and in such Proportions as by the Award of the said Commissioners of Public Works shall be in this Behalf provided.

Power to Treasury to advance Money during first Two Years for Expenditure of Trustees.

XXVI. It shall be lawful for the said Commissioners of the Treasury at any Time, and from Time to Time, within the first Two Years after the passing of this Act, if they think fit, upon an Estimate being laid before them by the Trustees of any of the said Navigations of what Sum will be requisite for the Expenses of such Navigation for the then current Year, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of Five hundred Pounds in any One

One Year for any one of the said Navigations, shall be advanced and paid to such Trustees out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, under the Direction of the said Trustees, in the necessary Maintenance and Repair of such Navigation and in the Payment of the Officers and Servants of such Trustees under this Act; and the said Commissioners of the Treasury shall certify from Time to Time to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Sums so advanced, with a view to the Repayment thereof as herein-after provided.

Trustees of each Navigation to transmit an Account to Grand Juries at each Assizes.

XXVII. The Trustees of each of the said Navigations shall transmit to the Grand Jury assembled at the Summer Assizes One thousand eight hundred and fifty-seven, to be held for every County which or any Barony or Townland in which is liable to contribute towards the Expense of and Maintenance of such Navigation, an Account of the Receipts and Expenditure of such Trustees up to the Thirtieth Day of *June* One thousand eight hundred and fifty-seven inclusive; and such Trustees shall also furnish to such Grand Juries at each Spring and Summer Assizes to be thereafter held like Accounts of the Receipts and Expenditure of such Trustees from the Time to which their last preceding Account was made up to the Thirty-first Day of *December* and the Thirtieth Day of *June* inclusive next preceding the Commencement of the Assizes.

Grand Juries, upon Estimates of Trustees, to present the necessary Amount.

XXVIII. The Grand Juries of the several Counties to which any such Account as aforesaid is transmitted under this Act in relation to any such Navigation shall, upon an Estimate being transmitted to them by the Trustees of such Navigation of what Sum will be requisite for the Expenses thereof until the following Assizes, without Application to Presentment Sessions or otherwise, present the Amount of such Estimate to be paid to the said Trustees; such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, Baronies, and Townlands liable to contribute to the Maintenance of such Navigation, and in the Proportions in which such Counties, Baronies, and Townlands are liable so to contribute.

In case Navigations or Works are not kept in repair, the Treasury may order the same to be repaired, &c.

XXIX. In case it appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon any Representation in this Behalf, of Five or more Persons paying County Cess within the Counties, Baronies, and Townlands or Parts thereof chargeable for the Maintenance of any of the said Navigations, that such Navigation, or any of the Works connected therewith, is or are not kept and maintained in good and proper Repair by the Trustees thereof, or that any sudden Damage has occurred to such Navigation, or any of the Works connected therewith, it shall and may be lawful for such Lord

Lord Lieutenant or other Chief Governor or Governors, if he or they think fit, to signify the same to the said Commissioners of the Treasury, and thereupon it shall and may be lawful for such last-mentioned Commissioners in any such Case, if they think fit, on an Estimate being laid before them by the said Commissioners of Public Works, or any Two of them, setting forth what Repairs are necessary, and what Sum will be requisite for such Repairs, to direct that any such Sum or Sums of Money, or any Part thereof, be advanced and paid to the said Commissioners of Public Works out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied under their Directions in such Repairs; and such last-mentioned Commissioners, or any Two of them, shall certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Amount expended in such Repairs, with a view to the Repayment thereof as herein-after provided.

Provision for Recovery of Money advanced for Purposes of this Act.

XXX. Where under this Act any Amount is certified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* by the said Commissioners of the Treasury or the said Commissioners of Public Works, or any Two of them, to have been advanced or expended by such Commissioners respectively under this Act, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence the Under Secretary, shall certify to the Secretaries of the Grand Juries of the Counties which or any Baronies or Townlands in which respectively are liable to contribute towards the Expense of maintaining the Navigation in respect of which the Advance or Expenditure was made, the Amount of Money so certified to the Lord Lieutenant or other Chief Governor or Governors to have been advanced or expended, and shall also certify the Proportions in which such Counties or any Baronies or Townlands therein respectively shall be chargeable with the Amount so advanced or expended, such Proportions to be the same as those in which such Counties, Baronies, and Townlands respectively are liable to contribute towards the Maintenance of such Navigation; and every such Certificate shall be laid before the Grand Juries of such Counties at the next Assizes after the Date thereof; and thereupon the Grand Juries of such Counties shall present the Amount stated in such Certificate to be paid to the Paymaster of Civil Services in *Ireland*, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties or Baronies or Townlands in conformity with such Certificate; and in default of Presentment as aforesaid by the Grand Jury of any County the Treasurer of such County is hereby required, without any Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, to insert in a separate Warrant, to be by him issued for the Levy of the same, the Amount mentioned

mentioned in such Certificate to be raised off such County, or the Barony or Baronies, Townland or Townlands therein mentioned; and such Amount as shall be so presented or included in any such Warrant as aforesaid shall be applotted, raised, and levied, sued for, and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as the Sum so to be presented or included in such Warrant as aforesaid shall be raised and received by the Treasurer of any such County, such Treasurer shall pay over the same to the Paymaster of Civil Services in *Ireland*, or in such Manner as the said Commissioners of the Treasury shall direct.

Power to Trustees, with Consent of Grand Juries, to dispose of Navigations.

XXXI. It shall be lawful for the Trustees for the Time being of any Navigation, by and with the Consent of the Grand Juries of the several Counties which or any Baronies or Townlands in which respectively are liable to contribute to the Maintenance of such Navigation, such Consent to be signified by Resolutions of such Grand Juries at any Assizes, to dispose of such Navigation, together with the Tolls thereof, and the Locks, Weirs, and other Works thereto belonging, to any Person willing to purchase the same, and the Receipts of the said Trustees under their Seal and the Hands of any Three or more of them, for any Purchase Monies thereof, shall be sufficient Discharges for the same; and such Monies shall be paid to the Treasurers of the respective Counties which or any Baronies or Townlands in which contributed to the Expense of the Construction of such Navigation, in the Proportions in which such Counties, Baronies, and Townlands contributed thereto, to be placed by such Treasurers respectively to the Credit of their respective Counties, or such Baronies or Townlands therein, as aforesaid; and after such Disposition such Counties, Baronies, and Townlands shall cease to be liable to maintain such Navigation, and the Purchasers and their Assigns shall have all the Rights with respect to the said Navigation, Works, and Tolls, and otherwise, subject to the same Control, as the said Trustees would have had and been subject to.

Power to Trustees to make Byelaws for regulating Management, &c.

XXXII. It shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Byelaws as to them shall seem meet and proper for regulating the Conduct and Management of the Business of the said Trustees, and Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the Navigation of which they are Trustees and the Off-branches thereof respectively, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and re-passing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of

all Goods, Wares, Merchandise, and Commodities which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon such Navigation or the Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandise, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said Navigations and Off-branches thereof respectively in all other respects whatever, and from Time to Time to alter or repeal all or any of such Byelaws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Byelaws as to the said Trustees shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, any such Fine or Penalty to be recoverable on summary Conviction; which said Byelaws shall be reduced into Writing, and sealed by the said Trustees, and printed and published; and such of the same as shall subject any Person not being an Officer or Servant of the said Trustees to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued in some Place at or near which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Trustees shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Byelaws shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Byelaws be approved of by a Judge of One of Her Majesty's Superior Courts of Record in Dublin.

Power to impose Fines, &c. for Offences against Byelaws.

As to Approval of Byelaws.

Copy of Byelaws to be Evidence.

XXXIII. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws of the said Trustees, the Production of a written or printed Paper purporting to be the Byelaws of the said Trustees, and authenticated by the Seal of the said Trustees, shall be Evidence of the Existence of such Byelaws.

Penalty on Persons depositing Ballast, &c. so as to obstruct the River.

XXXIV. If any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water or Vessels into, through, or in any of the said Navigations, or any of the Cuts, Sluices, or Canals, or any of the Off-branches, or shall, without the Consent of the said Trustees, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Navigations aforesaid, or do any other Damage to the said Navigations or any of them, or if any Person shall maliciously open any Lock, Sluice,

Sluice, Dam, Gate, or Watercourse belonging to any of the said Navigations, or shall so leave any of the same open after any Boat has passed, or otherwise mis-spend or waste the Water of any of the said Navigations, every such Person on summary Conviction of any of the Offences aforesaid shall be subject to a Penalty not exceeding Ten Pounds.

If any Nuisance be continued after Notice, it shall be considered a new Offence.

XXXV. If any Offence against or Breach of any Provision of this Act or any Byelaw made as aforesaid be continued, or be not abated, removed, or discontinued within Seven Days after Notice in Writing shall have been served on or left at the usual Place of Abode of the Person or Persons committing such Offence or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and such Person shall on summary Conviction thereof be subject to a Penalty not exceeding Five Pounds for each and every Day of such Continuation.

Penalty.

Penalty on Persons assaulting Trustees, Officers, &c. in execution of Powers of this Act.

XXXVI. If any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Trustees for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Trustee in the Execution of any of the Powers given by this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works connected with the said Navigations, or shall persist in doing so after having been required by the said Trustees or any of them, or any Person acting under them, not to do or continue to do any Matter or Thing injurious to any of the said Works, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, or any Byelaw made in pursuance thereof, any Person so offending shall for every such Offence, upon summary Conviction thereof, be subject to a Penalty not exceeding Five Pounds.

Power to include in Award Lands formerly covered with Water.

XXXVII. And whereas by means of the Works of the Commissioners of Public Works in *Ireland*, under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts since passed amending the same, the Waters in certain Rivers and Lakes have been lowered so as to make Land formerly covered with Water profitable to the Proprietors thereof, and Doubts may exist as to the Power of the said Commissioners to include such Lands in their final Award, and charge the same with a Proportion of the Expense of the Works in the District in which such Lands so made profitable are situate:

It shall be lawful for the said Commissioners of Public Works in and by their final Award in any District to include any such Lands which

which may have been previously to the Commencement of the Works of the said Commissioners covered with Water and unprofitable, and to charge such Lands and the Proprietors thereof with a fair Proportion of the Expenses incurred by the said Commissioners in the Execution of the Works within any such District, in the same Manner as the other Lands within any such District.

Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.

XXXVIII. And whereas by reason of the great Extent of some Drainage Districts it may be expedient to appoint a greater Number of Trustees for the Maintenance of the Drainage Works than is authorized by the said Act of the Fifth and Sixth Years of Her Majesty:

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding Fifteen; and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting, to be called in like Manner as a Meeting for the Election of new Trustees, be increased to any Number not exceeding Fifteen.

Rates for Maintenance of Drainage Works (as well as Instalments) recoverable by Civil Bill.

XXXIX. The Rates for Maintenance of the Drainage Works in any District in *Ireland* assessed by the Trustees for the Maintenance of such Works, as well as the Instalments payable under any final Award of the said Commissioners of Public Works, shall be recoverable by Civil Bill against the Proprietor for the Time being, within the Meaning of the said Act of the Fifth and Sixth Years of Her Majesty, of the Lands charged therewith, but without Prejudice to any Power now vested in the Trustees of such Drainage Works, or such Commissioners respectively, for the Recovery thereof.

Saving Rights of the Irish Society.

XL. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish* Society, the Governors and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Saving Rights of the Marquis of Donegal.

XLI. Nothing herein contained shall be deemed, construed, or taken to affect, prejudice, or diminish any Estate, Right, Title, or Interest of the Most Noble the Marquis of *Donegal*, his Heirs or Assigns.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to amend the Acts relating to Grand Juries in *Ireland*. [21st *July* 1856.]

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty's Reign, Chapter Sixty-three, to amend the Laws relating to the Valuation of rateable Property in *Ireland*: And whereas the said Act was amended by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Seven, and by an Act passed in the Seventeenth Year of Her Majesty's Reign, Chapter Eight: And whereas it is expedient to make further Provision for the Applotment of Grand Jury Assessments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 & 16 Vict. c. 63.

16 & 17 Vict. c. 7.

17 & 18 Vict. c. 8.

I. When the General Valuation of rateable Property has been or shall be completed in any County in *Ireland*, all Grand Jury Assessments to be made in such County shall be applotted and paid upon and in respect of the Property liable thereto by a Poundage Rate according to the net annual Value of the several Tenements and Hereditaments as set forth in the final List of such Valuation so completed, and when and so often as such Valuation shall be revised under the

When General Valuation completed, Grand Jury Assessments to be assessed according to the final

List of such Valuation.

Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.

Tolls of Roads, &c. liable to Poor Rates to be liable to Grand Jury Rates and County Cess.

II. All Tolls of Roads, Bridges, Railways, Canals, Gas and Water Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in *Ireland*, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the annual Value thereof or the Amount of Half Rent payable in respect thereof, as the Case may be, as contained in the final Lists of Valuation.

Applotment to be made by County Treasurer.

III. Such Applotment shall be made by the Treasurer of each County, anything in the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, or any Act amending the said Acts or either of them, to the contrary notwithstanding, and shall be entered in a Book signed by such Treasurer, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller Fraction than the One Fourth of a Penny in the Pound; and wherever it should occur that the Poundage Rate has to be applotted on a less Amount of Value than One Pound, it shall not be necessary to take into account any smaller Amount of Value than One Eighth of a Pound; and no Rate or Assessment so made or applotted shall be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such Fraction of One Fourth of a Penny, or from no smaller Value than One Eighth of a Pound being rated.

Treasurer to deliver Copy of Applotment to Collectors of County Cess, who shall pay Collections to County Treasurers.

IV. The Treasurer of each County in which the Grand Jury Assessments shall have been applotted under this Act shall, within Two Months after he shall have received from the Clerk of the Crown the Copies of the Presentments of the preceding Assizes, make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, and shall annex thereto under the Hand and Seal of such Treasurer a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof, and shall lodge the Amount collected from Time to Time in the County Bank to the Credit of the Treasurer of the County, and shall not at any Time retain in his Hands

Hands more than One hundred Pounds, but shall lodge the same in the County Bank with all convenient Expedition; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act the original Applotment Book, or the Copy of so much thereof as shall be delivered by any Treasurer to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as *primâ facie* Evidence of the due making of the Assessment and Applotment therein mentioned, and of the several other Matters and Statements therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by the Treasurer, shall be in like Manner received and taken as *primâ facie* Evidence of the several Matters aforesaid; and each Treasurer with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid One Shilling for the first Seventy-two Words, and Three Halfpence for every succeeding Seventy-two Words contained in such Copy or Extract.

In Actions as to Assessments, Applotment Book, &c. to be Evidence.

Copies of Applotment Book to be furnished when required.

V. When the Treasurer or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotments, for Payment of which no Provision is made by Law, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies, as aforesaid, as such Grand Jury may deem reasonable.

Grand Jury to present Amount of Expenses of Applotment.

VI. Where Sums have been or shall hereafter be presented by any Grand Jury in *Ireland*, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries or other Causes, it has been or may be found impossible to collect the Sums applotted on any such Houses, Tenements, or Hereditaments respectively, or the Occupiers thereof, it shall be lawful for the Grand Jury, without any previous Application to Presentment Sessions, to re-present all such Sums so remaining unpaid to be paid by the several and respective Townlands, Baronies, or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Hereditaments

Grand Jury may re-present Sums uncollected by reason of Change of Boundaries, &c.

ments shall be re-presented thereon: Provided also, that no such Re-presentment shall in any Case be made by the said Grand Jury without previous Examination on Oath (which Oath may be administered by the Foreman of the said Grand Jury, or any Member thereof, in the Presence of the said Grand Jury,) as to the Inability of the Collector to levy same, owing to the Insolvency of the Parties chargeable therewith, or to the Difficulty of tracing out or identifying such Houses, Tenements, or Hereditaments, or other sufficient Cause, notwithstanding all reasonable Exertions having been made by the Collector of such Arrears to enforce Payment thereof, and also that a List or Schedule of such Arrears, and of the Houses, Tenements, or Hereditaments upon which or in respect whereof the Sums remaining unpaid have been applotted, and of the Names of the Parties chargeable therewith, has been duly posted by such Collector at the usual Place for posting Notices for Presentments within the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess Ten Days at least previous to the First Day of the Assizes at which the said Sums are intended to be re-presented; and it shall be competent for any Parties interested to object to the Re-presentment of such Sums, or any Part thereof, and the Grand Jury shall hear the Objections of such Parties upon their applying to be heard before the Re-presentment is made.

No Proceedings for Arrears against Persons not primarily liable to be commenced after Two Years.

VII. With reference to any Sums of Grand Jury Cess to be presented after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Sum in arrear or unpaid against any Person not primarily liable to pay the same after the Expiration of Two Years from the Date of the original Presentment thereof, anything in this or any former Act to the contrary notwithstanding.

Grand Juries may divide Baronies for Purposes of Collection.

VIII. In any Case in which from the Extent or other Circumstances of a Barony it may appear expedient to divide the same for the Purpose of Collection, it shall and may be lawful for the Grand Jury to make a Presentment for the Purpose of effecting such Division, setting forth in such Presentment the Parishes or Townlands constituting such Divisions or Portions of the Barony, and when such Presentment shall be fiated by the Court the Parishes or Townlands set forth therein shall, for all Purposes belonging to the Duties or Functions of the Collector, be taken to be separate Portions of the Barony; and it shall be lawful for the Grand Jury, if they shall think fit, to appoint One Collector for every such Portion of a Barony, and the Collector so appointed for a Portion of a Barony shall be subject to all the Provisions and have all the Powers in force by Law with regard to the Collector of any Barony.

IX. Whereas

IX. Whereas Difficulties have of late attended the levying and Collection of Grand Jury Cess in the County of *Dublin:* Be it enacted, That the Provisions of an Act passed in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, intituled *An Act to extend the Remedies for the Collection of Grand Jury Cess in* Ireland, be extended to the said County of *Dublin.*

Provisions of 13 & 14 Vict. c. 82. extended to County of Dublin.

X. It shall and may be lawful for the Grand Jury of any County from Time to Time to present to be paid to each or any of the Collectors of Grand Jury Cess in such County such Rates of Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding One Shilling in the Pound on the Amount of the Collection, anything in any Act or Acts limiting such Poundage to a less Sum than One Shilling in the Pound to the contrary notwithstanding.

Grand Jury may allow Poundage Rate for Collection, not exceeding 1s. in the Pound.

XI. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept of Two or more than Two sufficient Sureties, joining any Collector in a Bond as Securities for such Collector in the Manner and under the Terms now by Law provided, anything in the Acts relating to the giving of such Security limiting the Number of such Sureties to the contrary notwithstanding.

Grand Jury may accept more than Two Securities for Cess Collector.

XII. Whereas under the Thirty-second Section of the "*Rathmines* Improvement Act, 1847," the Finance Committee of the County of *Dublin*, in apportioning the Sum payable by the *Rathmines* District, are required to adopt the Valuation furnished by the *Rathmines* Improvement Commissioners to said Finance Committee under the said before-mentioned Section: And whereas the General Valuation of rateable Property on the said District is now completed under the several Acts relating thereto, and it is desirable to repeal said Clause: Be it enacted, That from and after the passing of this Act said Thirty-second Section of the *Rathmines* Improvement Act be and the same is hereby repealed; and it shall and may be lawful for the Finance Committee of the County of *Dublin* to apportion on said *Rathmines* District all future Sums assessable therefrom under the Grand Jury Presentments upon the General Valuation of rateable Property so completed as aforesaid.

Section 32 of 10 & 11 Vict. c. cclii. repealed, and Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.

XIII. No Rate or Assessment made or hereafter to be made shall be in any Matter affected by reason of any Omission of the Clerk of any Board of Guardians or other Person appointed in his Place, to give or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or any of them, or by reason of any Error, Omission, Misdescription, or

Rates not to be affected by Errors, &c. in Valuation.

Variance in the making of such Valuation or Revision, and it shall not be necessary in any Suit or other Proceeding for Recovery of or in relation to any such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Ridings of Counties to be deemed separate Counties.

XIV. Where any County in *Ireland* has been or shall be divided into Ridings under the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or any subsequent Act, each such Riding shall, for the Purposes of this Act, be deemed a separate County.

Personal Service of Notice requiring Payment to be deemed good Service.

XV. Whereas Difficulties have of late presented themselves in Proceedings before Magistrates for Recovery of Grand Jury Cess, by reason of the Residences of Parties liable to the Payment thereof not being sufficiently known or capable of Proof: Be it enacted, That in addition and without Prejudice to the Remedies provided by Law for Recovery of Grand Jury Cess, that Personal Service of Notice requiring Payment on the Party so liable shall be deemed and considered to be good and sufficient Service, anything to the contrary in anywise notwithstanding.

Vacancies in Office of Surveyor in County of Dublin may be filled up by Finance Committee in certain Cases.

XVI. Whenever the Office of Surveyor for any Road District in the County of *Dublin* shall become vacant between any Two Presenting Terms, it shall be lawful for the Finance Committee, if it shall appear to them necessary so to do, to appoint from amongst the Persons duly qualified in that Behalf a Surveyor for such District, and the Surveyor so appointed shall hold and exercise the said Office in all respects as if he had been appointed thereto under the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, and the Acts amending the same, until a new Appointment shall have been made under said Acts.

If Contractor for Repair of Roads be guilty of Neglect Justices may make an Order for Contract to be executed within a certain Period.

XVII. If, in the Opinion of the County Surveyor, the Contractor for the Repair of any Road shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor to summon the said Contractor and his Sureties before the Justices at Petty Sessions of the District in which such Work may be situate; and if such Charge of Neglect or Inattention be established before such Justices, it shall be lawful for them to make an Order directing the said Contractor and his Sureties to execute his Contract within a Period to be stated in such Order; and if at the Expiration of such Order the County Surveyor shall still see reason for being dissatisfied with the Manner in which such

such Work has been executed, it shall be lawful for him again to summon the Contractor and his Sureties before the Justices at Petty Sessions, and the Justices thereupon shall proceed to inquire into and finally adjudicate upon the Complaint; and if it shall appear that such Work has been insufficiently executed, or contrary to the Terms of the Contract, it shall be lawful for such Justices, having ascertained the Amount which it may require for the Completion of such Work according to the Contract, to authorize such Surveyor to complete the same, and to levy such Amount by Warrant of Distress upon the Goods of such Contractor or his Sureties, not exceeding the Amount of the Recognizance or Bond of such Sureties.

Penalty for Neglect.

XVIII. Whereas by the Summary Jurisdiction (*Ireland*) Act, 1851, Provision is made for the Punishment of Offences on or relating to public Roads in *Ireland:* And whereas it is expedient to make further Provision for the Protection of such Roads from Injury: Be it enacted, That any Road Contractor or other Person who, without the Authority of a Presentment, or the Consent of the County Surveyor, shall cut any Sods or Turf on the Sides, Fences, or any other Part of any public Road, or dig, raise, or carry away any Sods, Turf, Earth, Clay, Stones, Gravel, or other Material from the Sides or Fences or any other Part of any public Road, Bridge, or Wall, shall be liable to a Fine not exceeding Forty Shillings, anything in Section Nine of the said Summary Jurisdiction (*Ireland*) Act, 1851, to the contrary notwithstanding.

Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads

XIX. In the Construction and for the Purposes of this Act, if not inconsistent with the Context or Subject Matter, the following Expressions shall have the Meanings herein-after assigned to them: The Word "Assizes" shall include Presenting Term; "applot" and "Applotment" shall include "assess" and "Assessment;" and the Word "Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of *Dublin;* and the Word "County" shall extend to and include all Counties, Counties of Cities and Counties of Towns in *Ireland* (except the County of the City of *Dublin*); and all the Acts and Duties by this Act required to be performed by Grand Juries and Treasurers of Counties shall and may, in the County of *Dublin*, be performed at the Presenting Terms by the Grand Jury of the said County and by their Secretary; and the Expression "Grand Jury Assessments" shall mean all County, Baronial, Parochial, Town Land, and other Rates and Assessments to be made or collected in any County by the Grand Jury thereof, or by the *Rathmines* Improvement Commissioners, or any Officers of such Grand Jury.

Interpretation of certain Terms.

XX. The

Repeal of the 18 & 19 Vict. c. 74.

XX. The Act of the Eighteenth and Nineteenth *Victoria*, Chapter Seventy-four, is hereby repealed, save as to any Right acquired or Thing done under the said Act.

Limitation of Act.

XXI. This Act shall not extend to the County of the City of *Dublin*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. LXIV.

An Act to repeal certain Statutes which are not in use. [21st *July* 1856.]

BE it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Acts herein-after mentioned, together with all Enactments (if any) confirming, continuing, or perpetuating the same or any of them, are hereby repealed: Provided always, that such Repeal shall not affect any legal Proceeding commenced under any of the said Acts before the passing of this Act.

Acts herein-after named repealed.

Statute of Westminster the Second. 13 Edw. 1. c. 33.	Lands where Crosses be set shall be forfeited as Lands aliened in Mortmain.
Statute of Westminster the Second. 13 Edw. 1. c. 41.	A *Contra formam collationis* and a *Cessavit* to recover Lands given in Alms.
Articuli super Chartas. 28 Edw. 1. c. 5.	The Chancellor and the Justices of the King's Bench shall follow the King.
Articuli super Chartas. 28 Edw. 1. c. 20.	Vessels of Gold shall be essayed, touched, and marked; the King's Prerogative shall be saved.

Statutes not in use Repeal.

5 Edw. 3. c. 14.	Night Walkers and suspected Persons shall be safely kept.
Statute of Nottingham, 10 Edw. 3. stat. 3.	De cibariis utendis.
25 Edw. 3. Stat. 5. c. 22.	He that purchaseth a Provision in Rome for an Abbey shall be out of the King's Protection, and any Man may do with him as with the King's Enemy.
28 Edw. 3. c. 10. -	The Penalty of the Mayor, Sheriffs, &c. of London, if they do not redress Errors and Misprisions there; and in what Counties the Trial thereof shall be.
37 Edw. 3. c. 15. -	Clothiers shall make Cloths sufficient of the aforesaid Prices, so that this Statute for Default of such Cloths be in nowise infringed.
6 Ric. 2. stat. 1. c. 9. -	No Victualler shall execute a judicial Place in a City or Town Corporate.
7 Ric. 2. c. 13. -	No Man shall ride in Harness within the Realm, nor with Launcegays.
12 Ric. 2. c. 12.	In what Cases the Lords and Spiritual Persons shall be contributory to the Expenses of the Knights of Parliament.
12 Ric. 2. c. 13. -	The Punishment of them which cause Corruption near a City or great Town, to corrupt the Air.
13 Ric. 2. stat. 1. c. 8. -	The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of Peace, and they shall assess the Gains of Victuallers who shall make Horse-bread, and the Weight and Price thereof.
17 Ric. 2. c. 4. -	Malt sold to London shall be cleansed from the Dust.
17 Ric. 2. c. 10. -	Two learned Men in the Law shall be in Commission of Jail Delivery.
20 Ric. 2. c. 1. -	No Man shall ride or go armed; Launcegays shall be put out.
20 Ric. 2. c. 2. -	Who only may wear another's Livery.
1 Hen. 4. c. 15. -	The Punishment of the Mayor, &c. of London for Defaults committed there.
4 Hen. 4. c. 5. -	Every Sheriff shall in Person continue in his Bailiwick, and shall not let it.
4 Hen. 4. c. 10. -	The Third Part of the Silver bought to the Bullion shall be coined in Halfpence and Farthings.
4 Hen. 4. c. 25. -	An Hostler shall not make Horsebread. How much he may take for Oats.
4 Hen. 4. c. 27. -	There shall be no Wasters, Vagabonds, &c. in Wales.

Statutes not in use Repeal.

4 Hen. 4. c. 29. -	Welshmen shall not be armed.
5 Hen. 4. c. 2. - -	The Penalty of him which procureth Pardon for an Approver that committeth Felony again.
5 Hen. 4. c. 13. -	What Things may be gilded and laid on with Silver and Gold, and what not.
7 Hen. 4. c. 7. -	Arrowheads shall be wellboiled, brased, and hard.
11 Hen. 4. c. 1. -	The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.
1 Hen. 5. c. 4. -	Sheriff's Bailiffs shall not be in the same Office in Three Years after; Sheriff's Officers shall not be Attorneys.
2 Hen. 5. stat. 2. c. 4. -	There shall be no gilding of Silver Ware but of the Allay of English Sterling.
4 Hen. 5. stat. 2. c. 6. -	Penalty on Irish Prelates for collating an Irishman to a Benefice in England or bringing an Irishman to Parliament to discover the Counsels of Englishmen to Rebels.
8 Hen. 5. c. 3. - -	What Things only may be gilded and what laid on with Silver.
9 Hen. 5. stat. 1. c. 10. -	Keels that carry Sea Coals to Newcastle shall be measured and marked.
1 Hen. 6. c. 3. - -	What Sort of Irishmen only may come to dwell in England.
6 Hen. 6. c. 4. -	The Sheriff's Traverse to an Inquest found touching returning Knights of Shires for the Parliament.
8 Hen. 6. c. 22. -	What is requisite to be done in winding and packing of Wool. None shall force, clack, or beard any Wool.
11 Hen. 6. c. 1. -	They that dwell at the Stews in Southwark shall not be impanelled in Juries nor keep any Inn or Tavern but there.
18 Hen. 6. c. 18. -	How much a Captain shall forfeit that doth detain any Part of his Soldier's Wages.
23 Hen. 6. c. 4. -	Welshmen indicted of Treason or Felony that do repair unto Herefordshire shall be apprehended and imprisoned or else pursued by Hue and Cry, and a Forfeiture of those which do not pursue them.
28 Hen. 6. c. 5. -	The Penalty of the Officers of the Customs which by Colour of their Offices shall distrain any Man's Ships or Goods.
4 Edw. 4. c. 8. - -	No Stranger shall buy English Horns unwrought gathered or growing in London or within Twenty-four Miles thereof. Certain Powers vested in the Wardens of the Horners of London.
17 Edw. 4. c. 4. - -	An Act for making of Tile.

Statutes not in use Repeal.

4 Hen. 7. c. 2. - -	An Act for Finers of Gold and Silver.
4 Hen. 7. c. 3. - -	An Act that no Butcher slay any Manner of Beast within the Walls of London.
4 Hen. 7. c. 16. - -	An Act concerning the Isle of Wight.
11 Hen. 7. c. 19. -	An Act against Upholsterers.
11 Hen. 7. c. 21. -	An Act against Perjury.
11 Hen. 7. c. 27. -	An Act against unlawful and deceitful making of Fustians.
19 Hen. 7. c. 6. - -	Pewterers walking.
19 Hen. 7. c. 10. -	De voluntariis et negligentibus escapiis.
3 Hen. 8. c. 14. - -	An Act for the searching of Oils within the City of London.
4 Hen. 8. c. 7. - -	Pur le Pewterers.
5 Hen. 8. c. 4. - -	An Act for avoiding Deceits in Worsteds.
14 & 15 Hen. 8. c. 2. -	The Act concerning the taking of Apprentices by Strangers.
14 & 15 Hen. 8. c. 3. -	The Act concerning the draping of Worsteds, Sayes and Stamins for the Town of Great Yarmouth.
14 & 15 Hen. 8. c. 12. -	An Act concerning coining of Money.
21 Hen. 8. c. 12 -	An Act for true making of great Cables, Halsers, Ropes, and all other Tackling for Ships, &c., in the Borough of Burport in the County of Dorset.
21 Hen. 8. c. 16. -	An Act ratifying a Decree made in the Star Chamber concerning Strangers Handicraftsmen inhabiting the Realm of England.
22 Hen. 8. c. 10. -	An Act concerning Egyptians.
24 Hen. 8. c. 10. -	An Act made and ordained to destroy Choughs, Crows, and Rooks.
25 Hen. 8. c. 5. -	An Act for calendering of Worsteds.
25 Hen. 8. c. 9. -	An Act concerning Pewterers.
25 Hen. 8. c. 13. -	An Act concerning Farms and Sheep.
25 Hen. 8. c. 18. -	An Act for Clothiers within the Shire of Worcester.
26 Hen. 8. c. 5. -	An Act that Keepers of Ferries on the Water of Severn shall not convey in their Ferry Boats any manner of Person, Goods, or Chattels after the Sun going down till the Sun be up.
26 Hen. 8. c. 6. - -	An Act that Murders and Felonies done or committed within any Lordship Marcher in Wales shall be inquired of at the Sessions holden within the Shire Grounds next adjoining, with many good Orders for Administration of Justice there to be had.

Statutes not in use Repeal.

26 Hen. 8. c. 16. -	An Act for the making of Worsteds in the City of Norwich and in the Towns of Lynn and Yarmouth.
32 Hen. 8. c. 13. -	For Breed of Horses.
33 Hen. 8. c. 16. -	An Act for Worsted Yarn in Norfolk.
34 & 35 Hen. 8. c. 10. -	An Act for the true making of Coverlets in York.
35 Hen. 8. c. 11. -	An Act for the due Payment of the Fees and Wages of Knights and Burgesses for the Parliament in Wales.
1 Edw. 6. c. 6. - -	An Act for the Continuance of making of Worsted Yarn in Norfolk.
2 & 3 Edw. 6. c. 9. -	An Act for the true currying of Leather.
2 & 3 Edw. 6. c. 11. -	An Act for the true tanning of Leather.
2 & 3 Edw. 6. c 19. -	An Act for Abstinence from Flesh.
2 & 3 Edw. 6. c. 27. -	An Act against the false forging of Gadds of Steel.
3 & 4 Edw. 6 c. 2. -	An Act for the true making of Woollen Cloths.
3 & 4 Edw. 6. c. 9. -	An Act for the buying of raw Hides and Calf Skins.
5 & 6 Edw. 6. c. 6. -	An Act for the making of Woollen Cloth.
5 & 6 Edw. 6. c. 24. -	An Act for the making of Hats, Dornecks, and Coverlets at Norwich and in the County of Norfolk.
7 Edw. 6. c. 5. - -	An Act to avoid the great Price and Excess of Wines.
7 Edw. 6. c. 7. - -	An Act for the Assize of Fuel.
1 Mary, stat. 3. c. 8. -	An Act touching the buying and currying of Leather.
1 & 2 Ph. and M. c. 4. -	An Act for the Punishment of certain Persons calling themselves Egyptians.
1 & 2 Ph. and M. c. 7. -	An Act that Persons dwelling in the Country shall not sell divers Wares in Cities or Towns Corporate by Retail.
1 Eliz. c. 8. - -	An Act touching Shoemakers and Curriers.
1 Eliz. c. 9. - -	An Act touching Tanners and the selling of tanned Leather.
1 Eliz. c. 15. -	An Act that Timber shall not be felled to make Coals for the making of Iron.
5 Eliz. c 8. - -	An Act touching Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather.

Statutes not in use Repeal.

8 Eliz. c. 8. - -	An Act for the Repeal of a Branch of a Statute made Anno 32 H. 8., for the Stature of Horses within the Isle of Ely, and other Places confining thereunto.
8 Eliz. c. 9. - -	An Act to repeal a Branch of the Statute made Anno 23 H. 8. touching the Prices of Barrels and Kilderkins.
8 Eliz. c. 10. - -	An Act for Bowyers and the Prices of Bows.
8 Eliz. c. 12. - -	An Act for the Aulneger's Fees in Lancashire, and for Length, Breadth, and Weight of Cottons, Frizes, and Rugs.
23 Eliz. c. 5. - -	An Act touching Iron Mills near unto the City of London and the River of Thames.
23 Eliz. c. 8. - -	An Act for the true melting, making, and working of Wax.
27 Eliz. c. 19. - -	An Act for the Preservation of Timber in the Wealds of the Counties of Sussex, Surrey, and Kent, and for the Amendment of Highways decayed by Carriages to and from Iron Mills there.
35 Eliz. c. 9. - -	An Act touching Breadth of Cloths.
1 Jac. 1. c. 6. - -	An Act made for the Explanation of the Statute made in the Fifth Year of the late Queen Elizabeth's Reign concerning Labourers.
1 Jac. 1. c. 20. - -	An Act for Redress of certain Abuses and Deceits used in painting.
3 Jac. 1. c. 9. -	An Act for the Relief of such as lawfully use the Trade and Handicraft of Skinners.
3 Jac. 1. c. 16. - -	An Act for the Repeal of One Act made in the Fourteenth Year of Queen Elizabeth's Reign, concerning the Length of Kersies.
3 Jac. 1. c. 17. - -	An Act concerning Welsh Cottons.
4 Jac. 1. c. 2. - -	An Act for the true making of Woollen Cloth.
4 Jac. 1. c. 6. - -	An Act for repealing of so much of One Branch of a Statute made in the First Year of His Majesty's Reign, intituled "An Act concerning Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather," as concerneth the sealing of Sheepskins, and to avoid selling of tanned Leather by Weight.
21 Jac. 1. c. 18. -	An Act for Continuance of a Statute made for the making Woollen Cloths.
21 Jac. 1. c. 21. -	An Act concerning Hostlers and Innholders.
12 Car. 2. c. 32. -	An Act for prohibiting the Exportation of Wool, Wool Fells, Fullers Earth, or any Kind of scouring Earth.
14 Car. 2. c. 18. -	An Act against exporting of Sheep, Wool, Woolfells, Mortlings, Shorlings, Yarn made of Wool, Wool Flocks, Fullers Earth, Fulling Clay, and Tobacco Pipe Clay.

Statutes not in use Repeal.

5 & 6 W. & M. c. 13. -	An Act to repeal the Statute made in the Tenth Year of King Edward the Third for finding Sureties for the good abearing by him or her that hath a Pardon of Felony.
9 & 10 Will. 3. c. 40. -	An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers Earth, and Scouring Clay.
10 Will. 3. c. 2. -	An Act to prevent the making or selling of Buttons made of Cloth, Serge, Drugget, or other Stuffs.
1 Anne, stat. 1. c. 15. -	An Act for preventing Frauds in the Duties upon Salt, and for the better Payment of Debentures at the Custom House.
8 Anne, c. 11. - -	An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn.
4 Geo. 1. c. 7. - -	An Act for making more effectual an Act made in the Eighth Year of the late Queen Anne, intituled "An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn."
7 Geo. 1. stat. 1. c. 12. -	An Act for employing the Manufacturers and encouraging the Consumption of Raw Silk and Mohair Yarn by prohibiting the wearing of Buttons and Button-holes made of Cloth, Serge, and other Stuffs.
11 Geo. 2. c. 28. -	An Act for the better regulating the Manufacture of narrow Woollen Cloths in the West Riding of the County of York.
10 Geo. 3. c. 49. -	An Act for continuing and amending several Acts for preventing Abuses in making Bricks and Tiles.
17 Geo. 3. c. 42. -	An Act for preventing Abuses in the making and vending Bricks and Tiles.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

BENGAL SECRETARIAT LIBRARY

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. LXV.

An Act to encourage the providing of improved Dwellings for the Labouring Classes in *Ireland*.

[21st *July* 1856.]

WHEREAS it would encourage the providing of improved Dwellings for the Labouring Classes in *Ireland* if a summary Remedy for recovering the Possession when wrongfully withheld were made applicable to small Tenements of a Description suited to such Classes, but upon Condition that such Tenements shall have had at least certain primary Requisites for the Comfort and Health of the Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Description of Tenement within Act.

I. The Description of Tenements which shall be deemed to be within this Act shall be:

1. Any Dwelling House held with not more than Half an Acre (if any) of Land as a Garden or cultivated Allotment: — 1. Dwelling House with or without small Allotments.
2. Of which the Tenure shall have been by the Year, Half Year, Quarter, Month, or Week: — 2. Tenure.
3. And of which the Rent shall not have exceeded the Rate of Twelve Shillings by the Month: — 3. Rent.

Provided that such Tenement shall have been let by a written or printed Agreement as nearly as possible of the Form in the Schedule to this Act, and that it shall have been expressly stated therein whether the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant, or what — Provided let by Form of Agreement.

Portion of the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant respectively.

Application of summary Remedy.
1. For the Possession.

II. The Fifteenth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851," shall be applicable to the Delivery of the Possession of any Tenement within this Act, when wrongfully overheld, in the same Manner as it would now apply to the Delivery of the Possession of any Tenement within the said Act:

Landlord's Obligations as to Requisites.

But no Order shall be made under the said Section except upon Proof at the Hearing of the Case:

First, Providing them:

First: That the Tenement had the following Requisites at the Commencement of the Tenancy; *viz.*

(*a*) Walls and Chimneys:

(*a*) The Walls and a sufficient Chimney built of Stones and Mortar, or Bricks and Mortar:

(*b*) Rooms.

(*b*) At least Two separate Rooms:

(*c*) Windows.

(*c*) A sufficient external Window, with a moveable glazed Sash or Casement for the Admission of Air, in each Room:

(*d*) Privies

(*d*) A sufficient Privy:

(*e*) Space in front

(*e*) A Space at least Eighteen Feet wide extending immediately along the whole Front of the Dwelling (or, where any public Thoroughfare shall pass nearer, the Space (if any) between such Thoroughfare and Dwelling,) sufficiently levelled and drained:

(*f*) Space for Pigsty and Dunghill.

(*f*) A sufficient Space, either at the Ends or in the Rear of the Dwelling, suited for a Pigsty and also for a Dunghill:

Second, Maintaining them.

Second; And that the said Requisites had been in good tenantable Condition, and adapted to their proper Use, at the Commencement of the last Period of the Tenure for which the Landlord shall have received any of the Rent:

Proof of Maintenance may be dispensed with when no Rent received, and when defective through Tenant's Default

But this Second Obligation may be dispensed with when the Landlord shall not have as yet received any of the Rent subsequent to the Commencement of the Tenancy, and also when and so far as the tenantable Condition of such Requisites shall have been defective through the Default of the Tenant, and not of the Landlord:

Tenant's Obligations as to Defaults.

And upon further Proof at the Hearing of the Case that, during any Period of the Tenure for which the Landlord shall not have as yet received any of the Rent, the Tenant had made any Default in observing the following Obligations;

First, Not to permit Nuisances.

First; Not wilfully to permit any Pigsty or Dunghill to remain in front of the Dwelling, within the Space (if any) above required to be levelled and drained, for longer than Three clear Days after being served by the Landlord with a Notice in Writing to remove the same; and,

Second, Not to do or suffer Damage.

Second; Not wilfully to do, or wilfully to suffer others to do, any Damage to the Tenement:

Then

Then the Service of the Summons in the Case shall be deemed to have been sufficient (without other Notice to quit) to have determined the Tenancy at the Time of such Service.

If Default made, no Notice to quit necessary.

III. Whenever the Tenant shall have overheld the Tenement (without reasonable Cause) after the Tenancy shall have been determined, and the Possession shall have been duly demanded of him by the Landlord, he shall be liable to pay to the Landlord the full Rent reserved for the Period of the Tenure during any Part of which he shall have so overheld the Possession, and which would have otherwise accrued due in case the Tenancy had not been determined.

Overholding Tenant liable to full Rent.

IV. Whenever the Tenant shall have sown or planted upon the Tenement any growing Crop, which he shall be unable to save by reason of the Determination of the Tenancy, the Justices shall, by a distinct Order, fix such Sum (if any) as they shall think a fair Compensation to him for the Loss of such Crop, after all just and proper Deductions on account of any Arrear of Rent due by the said Tenant to the Landlord for the said Tenement; and no Warrant shall be issued to execute the Order for Possession until the Landlord shall have paid or tendered to the Tenant or allowed him Credit for the Sum so fixed by the Order for Compensation.

Outgoing Tenant to have Compensation for Crops.

V. This Act shall not be deemed to deprive the Landlord, either before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in *Ireland*.

Act not to deprive Landlord of other Remedies at Law or in Equity.

VI. This Act shall not be deemed to interfere with the Jurisdiction established by the said recited Act as to small Tenements in certain Towns and Villages in *Ireland*.

Act not to affect Jurisdiction in Fair and Market Towns.

VII. The Land Agent of the Landlord of any Tenement, if a Justice of the Peace, shall not as such Justice take any Part in the Hearing of any Complaint, or in the making of any Order under this Act, in relation to such Tenement.

Landlord not to act as Justice in his own Case.

VIII. In case any Person shall feel aggrieved by any Order made by any Justices under this Act, it shall be lawful for such Person to appeal against the same, under the Twenty-fourth Section of "The Petty Sessions (*Ireland*) Act, 1851," save that, in lieu of the Seven Days Notice of Appeal required by said Act, a Five Days Notice of Appeal shall be sufficient; that the Amount of the Recognizance shall be such reasonable Sum as to the Justices shall seem fit; and that when the Appeal shall be made by the Tenant, the Recognizance required by the said Act shall contain the further Obligations that the Tenant shall not do, or suffer others to do, any Waste, Injury, or Dilapidation to the Tenement pending the Appeal, that he will satisfy all Rent which shall accrue due whilst he shall continue in possession,

Appeals.

possession, and that he will perform such Order as the Court of Appeal shall make.

Act to be construed as Part of recited Act

IX. This Act shall be construed subject to the Interpretation and other Clauses (and as if it were a Part) of the said recited Act; and the Word "Landlord" shall include any Agent, Receiver, or other Person legally representing the Landlord; the Expression "Period of the Tenure" shall mean the Year, Half Year, Quarter, Month, or Week, as the Case may be, according to which the Rent shall have been reserved.

Short Title.

X. In citing this Act in any other Act, Instrument, or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant (*Ireland*) Act, 1856."

Act only to apply to Tenements provided by Landlord.

XI. This Act shall apply only to Tenements which may be provided by the Landlord for the Use of the Tenant who shall occupy the same.

To extend to Ireland only.

XII. This Act shall only extend to *Ireland*.

SCHEDULE.

Form of Agreement.

This Agreement witnesses

That ——————, as Landlord, agrees to let,

and

That ——————, as Tenant, agrees to hold,

the following Tenement; viz., (1)

Situated at ——————— in the County of ——————

and Townland of ——— ———.

From the —— ———— Day of ———— 185 .

By the (2)

At the Rent of —— —— Shillings and ——— Pence, (3)

And it has been also agreed, that such Tenement having at present the several Requisites specified in "The Cottier Tenant (Ireland) Act, 1856," the said Tenement and the said Requisites shall be maintained in good tenantable Condition by the (4)

And it has been also agreed, (5)

Signed ———Landlord, this ————Day of———185

Signed ———Tenant, this ————Day of———185

(1) Description of the Tenement

(2) "Week," "Month," &c.

(3) "Weekly," "Monthly," &c.

(4) "Landlord" or "Tenant," or partly by the Landlord and partly by the Tenant.

(5) Further Stipulations (if any).

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intended to be continued to be used for the Purposes of a Military Camp, and for the Instruction and Training of Troops in the Science of War and their Duties relating thereto: And whereas Compensation has been paid for the Right in the Soil and for the commonable and other Rights in and over all the said open or common Lands which were purchased and are now vested in the said Principal Secretary of State for the War Department as aforesaid, and all Rights and Appurtenances belonging thereto: And whereas there are certain Roads, Paths, and Rights of Way now existing in, through, and across the lastly-mentioned open or common Lands and the said enclosed Lands which were purchased as aforesaid, and also in, through, across, and over the other open or common Lands and enclosed Lands respectively intended to be (with the said Lands already vested in the Principal Secretary of State for the War Department as aforesaid) comprised in and to be used for the Purposes of the said Military Camp as aforesaid, which said Roads, Paths, and Rights of Way (except the Turnpike Road leading from *Farnham* to *Bagshot* and the Road leading thereto from *Aldershot*, and also another Road leading thereto at a Point opposite *Heath Villa* from the Entrance of a Lane called *Cranmoor Lane*,) if they were suffered to continue would very much interfere with and impede the useful Purposes intended to be effected by the Formation of the Military Camp aforesaid, and would be greatly detrimental to the Public Service, and it is therefore expedient that all the said Roads, Paths, and Rights of Way respectively (except the Turnpike Road and the Roads leading thereto respectively aforesaid) should be stopped up: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights of Way over certain Roads extinguished.

I. All Rights of Way, Easements, and other Rights and Privileges over, in, or relating to all and every the Roads, Paths, and Ways (except the Turnpike Road leading from *Farnham* to *Bagshot*, the Road leading from the Village of *Aldershot* to the said Turnpike Road, at a Distance of Three hundred Feet or thereabouts South of the Third Mile Stone from *Farnham* to *Bagshot*, and the Road leading to the said Turnpike Road at a Point opposite *Heath Villa* from the Entrance of *Cranmoor Lane*,) through, across, and over all or any of the Lands respectively heretofore having been or now being open or common Lands in the said Parishes of *Aldershot* and *Yateley* in the said County of *Southampton*, and in the said Parish of *Farnham* in the said County of *Surrey*, and

and enclosed Lands in the same several Parishes respectively, and also in the said Parishes of *Farnborough* and *Crondall* in the said County of *Southampton*, and also respectively now used or to be used for the Purposes of the said Military Camp, shall, (subject to the Restrictions herein-after contained with reference to certain of those Roads, Paths, and Ways) respectively be discontinued, and shall cease from the respective Times following (that is to say), from and after the passing of this Act as to the said Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, or over such of the said open or common Lands and enclosed Lands respectively as were purchased and are now vested in the said Principal Secretary of State for the War Department, and have been appropriated and are now used for the Purposes of the said Military Camp as aforesaid, or are intended so to be; and from and immediately after the Payment by the Principal Secretary of State for the War Department for the Time being of the Compensation for or the Consideration for the Purchase of all the other open or common Lands and enclosed Lands respectively which hereafter shall be used or required for the same Purposes from Time to Time as to aforesaid Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, over, or adjoining to the lastly-mentioned Lands respectively; and immediately upon the several Rights, Easements, and Privileges respectively aforesaid ceasing, or at any Time afterwards, the Principal Secretary of State for the War Department shall or may stop up or cause to be stopped up all the said several Roads, Paths, and Ways respectively, and thereupon public Notice shall be given of the stopping up of the said Roads, Paths, and Ways respectively by Advertisement in the *London Gazette*, and in some local Newspaper published or circulated in either of the said Counties of *Southampton* and *Surrey*, and also on the Church Doors of the said several Parishes respectively.

Agreement dated 31st May 1856, as to certain Roads confirmed.

II. A certain Agreement bearing Date the Thirty-first Day of *May* One thousand eight hundred and fifty-six, and made between the Persons therein named, and who are therein mentioned to be acting as and for a Committee of the Landowners of the Parishes of *Odiham*, *Dogmersfield*, *Winchfield*, *Crondall*, *Elvetham*, and *Heckfield*, in the County of *Southampton*, appointed in reference to the Roads therein-after mentioned at a Meeting of such Landowners held on the Twenty-eighth Day of *September* last, of the one Part, and the Right Honourable *Fox* Baron *Panmure*, Her Majesty's Principal Secretary of State for the War Department, of the other Part, whereby, for a Consideration therein expressed, the said Principal Secretary

Secretary of State for the War Department agreed with the said Committee of Landowners to form and make at the Expense of Government a good Road of Thirty Feet wide from B. to C. in the Course or Direction of the Line coloured Black between such Letters on the Map or Plan annexed to the said Agreement, or as near thereto as could be arranged, and another Road of the same Width from D. to B. in the Course or Direction of the Line also coloured Black between such Letters in the same Map or Plan, and also a short Branch from H. to G. in the Course or Direction of the Line coloured Black between such last-mentioned Letters in the said Map or Plan, shall be and the same is hereby confirmed, and the Completion of such Roads shall be certified by Two Justices of the Peace for the said County of *Southampton*, on any Application made to them by or on behalf of the said Principal Secretary for the Time being, and which Certificate shall be enrolled at the Quarter Sessions for the same County to be holden next after the granting thereof: Provided always, that certain Roads mentioned in the said Agreement, *videlicet*, the Road called the *Harrington Road* from E. to F. dotted Black in the said Map or Plan, and the Roads from D to G. and from G. to K., respectively coloured Blue on the said Map or Plan, (being some of the Roads which are herein authorized to be stopped up,) shall not be stopped up until the said Roads which are to be formed and made as aforesaid shall have been completed, and shall be certified as aforesaid.

Copy of the said Agreement and Plan to be deposited.

III. A Copy of the said Agreement, and of the Plan annexed, verified by the Signature of the Principal Secretary of State for the War Department for the Time being, shall, within One Month next after the passing of this Act, be deposited with the Clerk of the Peace for the County of *Southampton*, and shall be retained by him, and all the Provisions of the Public General Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, shall extend and apply thereto.

Power to Secretary of State to allow certain Road Surveyors to take Gravel for Repair of Roads, &c.

IV. The Road Surveyors of the Tythings of *Crookham* and *Ewsholt*, in the Parish of *Crondall*, shall be allowed by Her Majesty's Principal Secretary of State for the War Department for the Time being to dig and take Gravel for the Repair of so much of the new Roads as shall or may be situate in the said Tythings from such Parts of the adjacent Lands of the said Principal Secretary for the Time being as shall or may be appointed or approved of by or on the Part of the said Principal Secretary, and in such Quantities and under such Regulations in all respects as shall or may be fixed or approved of by or on the Part of such Principal Secretary.

V. Within

V. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall provide and set out upon the Lands of the said Principal Secretary a sufficient Occupation or Farm Road, of the Width throughout of Thirty Feet at the least, for the Use of Horses, Carts, and Carriages, commencing at the North End of *Sandy Pit Lane* in the said Parish of *Aldershot*, and running thence in a Northward and Eastward Direction along the Boundary of the Lands there now vested in the said Principal Secretary to a Point where that Boundary meets the said Road leading from the Village of *Aldershot* to the said Turnpike Road, and also a sufficient Occupation or Farm Road for Horses, Carts, and Carriages, commencing from the North End of *Yew Tree Hatch Lane*, in the said Parish of *Aldershot*, and running thence in a Northward Direction to join the said Road leading from the said Village of *Aldershot* to the said Turnpike Road, and also a sufficient Occupation or Farm Road for Horses, Carts, and Carriages, commencing from the North End of *Lloyd's Lane* in the said Parish of *Aldershot*, and running thence in a Northward Direction to join the said Road leading from the said Village of *Aldershot* to the said Turnpike Road.

Secretary of State to set out Ground for certain Roads.

VI. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall, upon the Lands of the said Principal Secretary, provide and complete, fit for the Passage thereon of Horses, Carts, and Carriages, a Road (of the Width of Thirty Feet at least throughout) commencing from and out of *Sandy Pit Lane* aforesaid in the said Parish of *Aldershot*, at or near to the Farm Buildings of *West End Farm*, and running thence in a North-westward and Westward Direction, and terminating by a Junction with the said Turnpike Road at a Point lying Thirty-five Chains or thereabouts to the South of the Milestone on that Turnpike Road denoting Three Miles from *Farnham*, and also a Road commencing from and out of the lastly-described intended new Road, near a House called *Mount Pleasant*, and running thence Eastward along the aforesaid Boundary to the Northern End of *Sandy Pit Lane* aforesaid.

Secretary of State to cause certain Roads to be provided for Horses, &c.

VII. The Inclosure Commissioners for *England* and *Wales* shall, within Six Calendar Months after the passing of this Act, upon the Application of the said Principal Secretary of State, or of any Owner, Lessee, or Occupier of Lands adjoining to *Aldershot*, *Farnham*, *Ash*, and *Cove* Commons respectively, set out such Occupation Roads on and adjoining the Boundaries of the Lands of the said Principal Secretary, as the said Commissioners may think necessary for the convenient Use and Occupation of the said Lands of such Owners, Lessees, and Occupiers.

Inclosure Commissioners, upon Application of Secretary of State, to set out certain Occupation Roads.

Aldershot Camp.

Saving Rights of Secretary of State.

VIII. Provided always, That this Act shall not prejudice or interfere with any of the Powers of the said Principal Secretary for the Time being under the said recited Acts, or any or either of them.

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Incumbered Estates in Ireland: And whereas the extended Period within which it should be lawful to make such Applications under said Acts as are mentioned in Section Eleven of said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty was limited to Three Years from the Twenty-eighth Day of *July* One thousand eight hundred and fifty-three: And whereas it is expedient that said Period should be further extended, and that the said firstly and thirdly recited Acts of the Twelfth and Thirteenth and of the Sixteenth and Seventeenth Years of Her Majesty should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Period for Applications for Sale further extended.

I. All such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by said lastly-recited Act of the Eighteenth and Nineteenth Years of Her Majesty authorized to be made within Three Years from the Twenty-eighth Day of *July* One thousand eight hundred and fifty-three, may be made within Five Years from the said Twenty-eighth Day of *July* One thousand eight hundred and fifty-three; and all Orders and Proceedings by the said Acts or any of them authorized, and which might be made, had, or taken upon any Application made within the said Period of Three Years, may be made, had, and taken within the further Period authorized by this Act.

So much of Section 51 of 12 & 13 Vict. c. 77. as to Appeals repealed.

Appeals may be made as of Right.

II. So much of Section Fifty-one of the said firstly-recited Act of the Twelfth and Thirteenth Years of Her Majesty as provides that an Appeal may be made against any Order of the Commissioners only when the Commissioners allow Appeal is hereby repealed; and it is hereby enacted, that all such Appeals may be made as of Right, and without the Allowance of the Commissioners; and the Costs of such Appeals shall be in the Discretion of the Court by which such Appeals shall be decided; and such Court is hereby authorized and empowered to make such Orders in respect of such Costs as to it shall seem fit and proper.

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whereas it is expedient further to amend the Laws relating to Prisons in *Ireland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts, so far as in force, to be construed with this Act.

I. The said recited Acts of the Seventh Year of King *George* the Fourth, the Sixth and Seventh Years of King *William* the Fourth, Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of Her Majesty, and the said Fifty-first Section of the "*Dublin* Improvement Act, 1849," so far as the same respectively are now in force, and this Act, shall be construed together as One Act.

Interpretation of Terms.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter), the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being:

"Prisons Act" shall mean the said Act of the Seventh Year of King *George* the Fourth, Chapter Seventy-four:

"County" shall extend to and include any City, County of a City, or County of a Town or City, and County of any Place, as the Case may be:

"County Gaol" shall be understood to mean the Common Gaol of any such County:

"Prison" shall include Gaol, Bridewell, and House of Correction:

"Person" shall include Corporation, whether sole or aggregate:

"Grand Jury," shall, as regards any Borough of which the Council is authorized by Law to make Presentments for the Prisons thereof, be held to include such Council:

"Assizes," as regards the County of *Dublin*, shall be held to mean Presenting Term:

"Treasurer of the County" shall, as regards the County of *Dublin*, mean the Finance Committee:

"Governor" shall include Keeper:

"Board of Superintendence" shall mean the Board of Superintendence to be appointed by any Grand Jury or Council under the said recited Acts or this Act.

Jurisdiction of Queen's Bench under Prisons Act transferred

III. From and after the passing of this Act all the Powers, Rights, Authority, and Jurisdiction now vested in or exercised by Her Majesty's Court of Queen's Bench in *Ireland*, or the Judges thereof, or any One or more of them, by virtue of the said recited Acts or any

any of them, over or with respect to the Four Courts Marshalsea, or any County Prison in *Ireland*, whether Gaol, Bridewell, or House of Correction, or the Prisoners therein, or any Matter relating to such Marshalsea, Prison, or Prisoners, shall be transferred to and vested in and exercised and performed by the Lord Lieutenant as fully and effectually to all Intents and Purposes as if the said Lord Lieutenant had been named in the said recited Acts instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them; and all the Provisions of the said recited Acts or any of them directing any Function or Duty to be exercised or performed by, or any Matter or Thing to be done by or with the Approbation of the said Court of Queen's Bench in *Ireland* or the Judges thereof, or any One or more of them, in relation to or concerning the said Marshalsea or any such County Prison as aforesaid, or the Prisoners therein, shall, from and after the passing of this Act, be deemed and taken to apply and extend to the said Lord Lieutenant, instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them; and the said Lord Lieutenant shall thenceforward have, exercise, and perform all the same Powers, Rights, Authority, and Jurisdiction in respect of the said Marshalsea or any such Prison or Prisoners, or any Matter relating to the same, as might have been exercised or performed under the said recited Acts or any of them by the said Court of Queen's Bench or the Judges thereof, or any One or more of them, in case this Act had not been passed: Provided, that nothing in this Section contained shall be construed to limit or affect the Duties or Powers of the said Court of Queen's Bench, and all and every Judge and Judges of Assize and General Gaol Delivery in Ireland, under Sections One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, and One hundred and thirty-four of the Prisons Act; and provided further, that the Judges of Her Majesty's Court of Queen's Bench, Common Pleas, and Exchequer, or of Her Majesty's High Court of Chancery or Admiralty, and the Commissioners of the Court of Bankruptcy, and the Commissioners of the Court for Relief of Insolvent Debtors in *Ireland*, shall have and exercise the same Powers with respect to ordering the Marshal of the Four Courts Marshalsea to take into Custody any Person committed by them respectively, or to bring before them respectively any Prisoner in his Custody, which the said Judges now have with respect to the Marshal of the said Four Courts Marshalsea.

to Lord Lieutenant.

IV. Whereas by the Fourth Section of the Prisons Act and by the First Section of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, Provision is made for the Enactment of Byelaws for Prisons, and it is expedient to amend the same: The Fourth Section of the Prisons Act and the First Section of the said

Sect. 4. of 7 G. 4. c. 74. and Sect. 1. of 3 & 4 Vict. c. 44. repealed.

said Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, shall from and after the passing of this Act be repealed, save as to anything heretofore done under the same; and it shall be lawful for the Board of Superintendence of any Prison from Time to Time to alter, amend, or repeal the existing Byelaws, and to make new Byelaws for any such Prison under their Superintendence, or the Prisoners therein confined, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and the same, when approved of by a Grand Jury of the County, or in the Case of a Borough having Jurisdiction over the Prisons of such Borough by the Council thereof, shall be submitted to the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant, if he shall so think fit, to alter such Byelaws, or to make Byelaws additional thereto, and to certify under the Hand of the Chief, or Under Secretary for *Ireland* that such Byelaws as submitted to him, or altered or added to, are proper to be enforced, and said Byelaws, when so approved and certified, shall be printed and posted in the Prison, and obeyed as the Standing Regulations of such Prison; and in case the Board of Superintendence shall refuse or neglect, for the Space of Three Calendar Months after being required so to do by the Inspectors General of Prisons, to make such Byelaws as aforesaid, or any such Byelaws as to the Lord Lieutenant may appear necessary or expedient for any Prison under their Superintendence or the Prisoners therein, then and in such Case it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland* for the Time being, to make such Byelaws, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and to declare that the said Byelaws shall be in addition to or in substitution for any Byelaws theretofore in force in any such Prison, or any Part of such Byelaws; and the said Byelaws so to be made by the Lord Lieutenant shall be printed and posted in the Prison, and shall be obeyed as the Standing Regulations of such Prison, either in addition to or in substitution for the existing Byelaws of such Prison, as the Lord Lieutenant shall in that Behalf declare, and shall be of the same Force and Effect to all Intents and Purposes as if they had been originally made by the Board of Superintendence of the County, and approved of by the Grand Jury of the County; and it shall be lawful in such Byelaws to provide for the Classification of Prisoners of each Sex in any Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, religious and moral Instruction and Employment; and it shall be the Duty of the Local Inspector of every Prison to see that the Byelaws and Rules for the Time being in force in such Prison shall be observed and carried into effect, and no Magistrate shall have Authority to alter or add to the same, or in any Manner, save as in this Act provided, to interfere with

Board of Superintendence with Approval of Grand Jury and Lord Lieutenant to make Byelaws.

In case the Board of Superintendence shall neglect to make Byelaws, Lord Lieutenant may make them.

Local Inspector to see that Byelaws are observed.

with the Discipline of the Prison: Provided always, that any such Byelaws so to be made by the Board of Superintendence of any such joint Prison as is in this Act mentioned shall not require to be approved of by any Grand Jury, or by the Council of any Borough.

Board of Superintendence to report Fire or sudden Accident to Inspectors General.

Report of Completion of Works to be forwarded to Inspectors General

Annual Returns to be in the Form in Prisons Act, or in such Form as the Lord Lieutenant shall direct.

V. In case of any Fire or other sudden Accident happening in or to any County Prison, Gaol, Bridewell, or House of Correction in the Fourteenth Section of the Prisons Act mentioned, or any Part thereof respectively, the Board of Superintendence of such Prison shall, as soon thereafter as conveniently may be, forward a Report of such Fire or sudden Accident to One of the Inspectors General of Prisons in *Ireland;* and whensoever any such Building or other Work as is mentioned in the Forty-third Section of the Prisons Act shall be completed or finished, the Commissioners in the same Section mentioned shall, so soon thereafter as conveniently may be, forward a Report of the Completion of such Work to the said Inspectors General of Prisons; and the annual Return of the State of every Gaol, Bridewell, House of Correction, or other County Prison, which the Gaoler of the same is, by the Fifty-seventh Section of the Prisons Act, directed to transmit to One of the said Inspectors General of Prisons, shall be in the Form in the same Section mentioned, or in such other Form as the Lord Lieutenant shall from Time to Time in that Behalf direct.

Commissioners to be appointed under Prisons Act reduced.

VI. The Number of Commissioners to be appointed by the Lord Lieutenant under the Fifty-second Section of the Prisons Act shall be reduced from the Number of not less than Six nor more than Twelve to not less than Three nor more than Six.

Prisons may be lighted with Gas.

VII. It shall be lawful for the Grand Jury of any County, if they shall so think proper, to cause any Prison within their County, or any Rooms or Parts of any such Prison, to be lighted with Gas, or warmed and aired or ventilated by means of Stoves or artificial Heat, or other artificial Means, and to make and enter into any Contract for such Purposes with any Person or Company, and at any Assizes or Presenting Term to present, to be raised off their County, such Sum or Sums of Money as shall be required for the Construction or laying down of the Pipes or Tubes or other Apparatus necessary for such Purposes, or either of them, and also from Time to Time to present, to be raised off their County, such Sum or Sums of Money as shall be necessary for the Maintenance or Repair of such Pipes, Tubes, or other Apparatus, or for procuring such Gas or artificial Heat.

Sects 20. and 21. of the Prisons Act repealed.

VIII. The Twentieth and Twenty-first Sections of the Prisons Act shall, from and after the passing of this Act, be repealed, except as to anything

As to building, rebuilding, altering, and enlarging Prisons.

anything heretofore done under the same; and before any Grand Jury of a County, or any Commissioners appointed by them, shall commence to build or rebuild, or to alter or enlarge any Gaol, Bridewell, House of Correction, or other County Prison, they shall transmit to the Lord Lieutenant the Plan and Specification of such proposed Building, Alteration, or Enlargement, or a Copy or Facsimile of such Plan and Specification (the same having been previously approved of by the Grand Jury), together with the Report thereon of the Inspectors General of Prisons, or One of them, and such other Reports or Certificates as the said Lord Lieutenant shall require and direct; and notwithstanding anything in the Prisons Act or this Act contained, it shall not be lawful for any Grand Jury, or any Commissioners appointed by them, to commence any such Building, Rebuilding, Alteration, or Enlargement, unless and until the Plan and Specification of the same shall be agreed to and approved of by the Lord Lieutenant; and it shall and may be lawful for the Commissioners appointed by the Grand Jury, and they are hereby authorized and empowered to enter into Contracts for the Execution of any such Work as in the Prisons Act or this Act is authorized to be executed, after the Plan or Specification thereof shall have been approved, as herein directed, first by the Grand Jury and then by the Lord Lieutenant, and every such Contract shall be made at the most reasonable Price which shall be proposed by such Contractor as shall be deemed by the said Commissioners appointed by the Grand Jury the most responsible and proper Person to execute such Contract, and every such Contract shall be entered by the Clerk to the said Commissioners in a Book to be kept by the said Commissioners, which Book, when such Works are completed, shall, by the said Clerk to the said Commissioners, be delivered to the Clerk of the Peace of the County for the Time being, who is hereby required thenceforward to keep the same among the Records of the said County.

Sect. 91. of Prisons Act repealed.

Bridewells to be built in Towns in which Criminal Sessions are held.

IX. The Ninety-first Section of the Prisons Act shall, from and after the passing of this Act, be repealed, except as to anything heretofore done under the same; and it shall be lawful for each and every Grand Jury in *Ireland*, and they are hereby respectively required from Time to Time hereafter, to make Presentments for Building One Bridewell of competent Size in each and every Town within their respective Counties which is, or from Time to Time hereafter shall be, duly appointed for holding Quarter Sessions for the Transaction of Criminal Business.

Sects. 65. and 71. of Prisons Act partly, and Sect. 75.

X. So much of the Sixty-fifth Section of the Prisons Act as provides that the Local Inspector shall be removable by the Grand Jury, with the Approbation of the next going Judge of Assize, and the whole

whole of the Seventy-fifth Section of the said Act, are hereby repealed: Provided, that such Repeal of the said Seventy-fifth Section shall not be construed to prevent any Person holding the Offices of Local Inspector and Chaplain at the passing of this Act from continuing to hold the same Offices for such Time and in such and the same Manner as if this Act had not been passed: Provided, also, that no Clergyman or ecclesiastical Person of any religious Persuasion shall be hereafter appointed to the Office of Local Inspector.

wholly, repealed.

No Ecclesiastic to be appointed Local Inspector.

XI. It shall be lawful for any Chaplain of any County Prison, in the Case of his Sickness or unavoidable Absence, to appoint a Clergyman of his own religious Persuasion, who shall have been approved of by the Board of Superintendence of the County Gaol, to be his Substitute for the Occasion, and the Name and Residence of such Substitute shall be specified in the Chaplain's Journal; and every Chaplain, and every such Substitute as aforesaid, shall communicate from Time to Time to the Board of Superintendence of the County Gaol any Abuse or Impropriety which shall have come to his Knowledge; and the Journal kept by such Chaplain shall be kept in the Prison, and shall regularly be laid before the Board of Superintendence at every Meeting of such Board, and shall be signed by the Chairman of such Board in Proof of the same having been there produced.

Chaplain may, in certain Cases, appoint Substitute.

Chaplain, &c. to report Abuses and keep a Journal.

XII. In addition to the Articles authorized or required, under the Seventy-sixth Section of the Prisons Act, to be presented and provided for Prisoners confined in any Gaol, Bridewell, House of Correction or other County Prison, the respective Grand Juries at the Assizes or Presenting Terms, and in the Case of the City of *Dublin* the Council of the Borough of *Dublin*, are hereby authorized, if they shall think fit, to present for and provide Cots and Hammocks for the Use of such Prisoners, and the same shall in such Case be presented, paid for, and supplied in the like Way as the Articles in the said Section of the said Act mentioned; and in addition to the Bedding to be allowed to poor Prisoners mentioned in the Seventy-eighth Section of the said Act, One Pair of Sheets shall be allowed to each Bed.

Power to Grand Juries to present for and provide Cots and Hammocks for Use of Prisoners.

Sheets to be allowed, in addition, to each Bed.

XIII. The Prison Dresses in the Seventy-eighth Section of the Prisons Act mentioned, shall be worn by all Prisoners (whether of Ability to maintain themselves or not) who shall be sentenced to undergo any Term of Imprisonment exceeding One Month, unless the Board of Superintendence of the Prison wherein such Prisoners shall be confined shall, by a special Order in Writing entered on the Minutes of

Prison Dresses shall be worn by all Prisoners unless Board of Superintendence shall otherwise, by special Order, direct.

of their Proceedings, and signed by a Majority of the Members of the said Board present at a Meeting thereof duly convened for the Purpose, otherwise direct: Provided nevertheless, that in all such Cases as last aforesaid, the Board shall enter upon their Minutes the special Circumstances under which such Order shall have been made, and shall forthwith furnish to the Inspectors General of Prisons a Statement or Report of such Circumstances, and of the Offence for which the Person respecting whom such Order shall have been given was sentenced, and of the Date and Particulars of such Sentence; and provided further, that if, upon any such Statement or Report being transmitted to the Lord Lieutenant by the Inspectors General of Prisons, it shall appear to the Lord Lieutenant that the special Order therein mentioned of the Board of Superintendence was not required or justified by the Circumstances in the said Statement or Report set forth, it shall be lawful for the Lord Lieutenant, if he shall think proper so to do, by Order in Writing (under the Hand of the Chief or Under Secretary for *Ireland* for the Time being), to rescind any such special Order of the Board of Superintendence, and to direct that the Prison Dresses in the said Seventy-eighth Section of the Prisons Act mentioned, shall be worn by the Prisoner or Prisoners, or any of them, in the said special Order mentioned.

Power to Lord Lieutenant to rescind special Order of Board.

Power to Governor to confine Prisoner with a Class different from his own.

XIV. It shall be lawful for the Governor of any County Prison, if he shall at any Time deem it improper or inexpedient to allow any Prisoner to associate with the other Prisoners of the Class to which he or she may belong, to confine such Prisoner with any other Class or Description of Prisoner, or in any other Part of the Prison, until he shall receive the Directions of the Board of Superintendence in respect to such Prisoner, and in every Case in which he shall so confine or separate any Prisoner, he shall apply with as little Delay as possible to the Board of Superintendence for Directions in respect of such Prisoner, and the said Board shall in every such Instance ascertain whether the Reasons assigned by the Governor warrant such a Deviation from the established Rules, and shall give such Orders as they shall, under the Circumstances of the particular Case, think proper, in reference to the future Custody of the said Prisoner.

Unconvicted Persons may purchase Food at their own Expense.

XV. Unconvicted Prisoners of Ability to maintain themselves shall be at liberty to purchase and provide, at their own Expense, sufficient cooked Food of a simple and wholesome Nature, subject to such Restrictions and Regulations as to the Nature, Quantity, and Quality of such Food as the Board of Superintendence may deem proper, anything in the Prisons Act to the contrary notwithstanding: Provided nevertheless, that such Prisoner shall not be allowed to obtain,

obtain, procure, have, or use any Wine or Spirituous Liquors, except the same shall be ordered for him or her by the Medical Officer of the Prison.

Convicted Prisoners shall be supplied with Food at Public Expense.

XVI. Every convicted Prisoner in any Prison in *Ireland*, whether of Ability to maintain himself or herself or not, shall be supplied with Food at the Public Expense, and it shall not be lawful for any such Prisoner to use, accept, or receive any Food or Liquor other than the Prison Allowance supplied under the Prisons Act and this Act, unless in such Cases as the Medical Officer of such Prison shall, by Certificate under his Hand, declare that some other Food or Liquor shall be necessary for such Prisoner, and in such Case the Reasons for granting such Certificate shall be inserted by such Medical Officer in his Journal; and if such other Food or Liquor so to be ordered by such Certificate shall be continued for any Time exceeding One Week from the Date of such Certificate, a Notice thereof in Writing shall be given by such Medical Officer to the Inspectors General of Prisons: Provided always, that such convicted Prisoners shall, unless when sentenced to Hard Labour, be allowed to pay to the Board of Superintendence the Expense of such their Prison Allowance in order to obtain an Exemption from any Work or Labour which would or might otherwise be required from them towards Payment of the Expenses of such Prison Allowance of Food.

Deputy Marshal, Hatchmen, and inferior Officers of Four Courts Marshalsea to be appointed by Lord Lieutenant.

XVII. So much of the One hundred and twenty-third Section of the Prisons Act as provides that One Deputy Marshal of the Four Courts Marshalsea, Three Hatchmen, and all inferior Officers necessary for the safe Custody of Prisoners or the Discipline of the Prison shall be appointed and paid by the Marshal of such Marshalsea, is hereby repealed, and such Deputy Marshal, Hatchmen, and inferior Officers as aforesaid shall from and after the passing of this Act be appointed and removable at the Will and Pleasure of the Lord Lieutenant, and the Deputy Marshal, Hatchmen, and inferior Officers holding Office at the Time of the passing of this Act on the Appointment of the Marshal shall be also removable at the Will and Pleasure of the Lord Lieutenant, and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that such Deputy Marshal, Hatchmen, and inferior Officers, whether so holding Office on the Appointment of the Marshal, or to be appointed under this Act, shall be paid such Salaries as the Lord Lieutenant with the Sanction of the said Commissioners shall in that Behalf direct; and such Salaries shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, and thereupon the Payment of any Salaries to such Officers by the Marshal shall cease, and the annual Salary payable to the Marshal

 under

under the Prisons Act shall be reduced by such Amount as shall be equivalent to the aggregate Amount of the annual Salaries which shall have been heretofore paid by him to the said Deputy Marshal, Hatchmen, and inferior Officers.

All Prison Officers to be appointed by Board of Superintendence.

XVIII. The Governor or Keeper, Local Inspector, Chaplains, Medical Officer, Deputy Governor, Turnkeys, and all other Officers, both Male and Female, to be appointed at any Time after the passing of this Act to or for any County Prison, whether Gaol, Bridewell, or House of Correction, or to and for any such joint Prison as is herein-after mentioned, shall, with the Exception herein-after in that Behalf specified, be from Time to Time appointed by the Board of Superintendence, any Provision in the Prisons Act or any other Act or Acts, or any Law, Usage, or Custom, to the contrary notwithstanding; but if the Board of Superintendence shall neglect to appoint any such Governor or Keeper, Inspector, Chaplains, Medical or other Officer as aforesaid, for the Space of Two Months after they shall have been required by the Inspectors General of Prisons or either of them, by Writing under their or his Hand, so to do, it shall be lawful for the Lord Lieutenant, if it shall seem to him expedient, to appoint any fit or proper Person or Persons to fill such Office or Offices; and the Salaries of all such Officers respectively shall be raised and paid in like Manner, and subject to the same Provisions, as the Salaries of such or the like Officers have been and are payable before and at the Time of the passing of this Act, save as in this Act otherwise expressed: Provided that the Appointment of any such Officers other than the Chaplains and the Medical Officer shall not be deemed valid or effectual until the same shall have been approved of in Writing by the Lord Lieutenant of *Ireland*, under the Hand of the Chief or Under Secretary: Provided further, that nothing in this Section contained shall apply to the Officers of the *Richmond* Bridewell in *Dublin*, or of the *Grange Gorman* Female Penitentiary in *Dublin*, or interfere with or affect the Powers of the Person or Persons now by Law entitled to appoint the Governor or any other Officers of such Bridewell and Penitentiary respectively.

Nothing in this Section to extend to Richmond Bridewell or Grange Gorman Female Penitentiary.

Appointments of Prison Officers other than Local Inspector, Chaplain, or Medical Officer, to be probationary in the first instance.

XIX. The Appointment by any Board of Superintendence under the Provisions of this Act of any Officer of any such Prison, other than the Chaplains or Medical Officer, shall be probationary only, and shall not be or become absolute until the same shall be confirmed at a Meeting of the Board of Superintendence duly summoned and held for that Purpose, not sooner than Three Months after the Meeting at which such probationary Appointment shall have been made: Provided always, that no such Confirmation of the Appointment of any Officer shall be made at such last-mentioned Meeting unless Two Thirds of the

the Members of such Board shall be present, and the Majority of the Members present shall concur in such Ratification or Confirmation, nor unless the Local Inspector and the Governor of the Prison to which such Officer shall have been appointed shall have certified under their Hands, or, in the Case of the Governor, unless the Local Inspector, or, in the Case of the Local Inspector, unless the Governor, shall have certified under his Hand to the said Board of Superintendence that the Conduct of such Officer since his or her probationary Appointment to the said Gaol has been in all respects correct and proper, and that such Officer is in the Opinion of the said Governor and Local Inspector, or of the said Governor or Local Inspector alone, as the Case may be, a fit, proper, and efficient Person to be appointed to the Office the Duties of which he shall have been discharging in pursuance of his probationary Appointment; and the said Board of Superintendence shall enter such Certificate upon their Minutes, and shall forthwith transmit a Copy of such Certificate to the Inspectors General of Prisons.

Governor to give Security for faithful Discharge of Duties.

XX. Every Person who shall be nominated or appointed as herein-before provided to the Office of Governor of any Prison by the Board of Superintendence shall, immediately after his Nomination to such Office and before he shall enter upon the Duties thereof as such probationary Officer as aforesaid, enter into a Recognizance, with Two sufficient Sureties to be approved of by the Clerk of the Peace of the County or One of the Counties to which such Prison shall belong, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby empowered to take), in such Sum as the Board of Superintendence shall direct, the Condition of which Recognizance shall be that such Governor shall duly and faithfully discharge the Duties of his Office in every respect during such Time as he shall continue to hold the same, and shall indemnify and save harmless every Sheriff and every other Person from all Loss, Costs, Damages, and Expenses which any such Sheriff or other Person shall incur, sustain, or be liable to by reason of any Escape of any Prisoner in the Charge of such Governor, or by reason of any Act, Neglect, or Default of such Governor; and every Person who at the Time of the passing of this Act shall be the Governor of any County or joint Prison shall, on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-six, enter into a Recognizance, with Two such Sureties as aforesaid, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby authorized to take), conditioned as herein-before enacted, in such Sum as the Board of Superintendence shall in manner aforesaid direct; and in case any such Governor as last mentioned shall neglect or omit to enter into such Recognizance as herein-before directed, on or before the said Thirty-

Thirty-first Day of *December* One thousand eight hundred and fifty-six, then and in every such Case the Person thus neglecting or omitting so to do shall, upon and from and after the said Thirty-first Day of *December* One thousand eight hundred and fifty-six, cease to hold the Office of Governor of the Prison theretofore held by him; and the Board of Superintendence of such Prison shall forthwith proceed to appoint a Governor in his Stead, under the Powers and in the Manner in that Behalf herein-before given and directed: Every Recognizance taken under this Act shall be transmitted by the Justice of the Peace before whom the same shall be acknowledged to the Clerk of the Peace of the County, or One of the Counties, to which such Prison shall belong; and in case the same shall at any Time become forfeited, such Process shall and may issue thereon as in such Cases usual; and any Money that shall be recovered thereon shall belong and be paid to the Sheriff or other Person who has sustained or shall be liable to any Loss, Costs, Damages, or Expenses by the Act or Default in respect of which such Money shall be recovered.

Governor may be required to give additional Security.

XXI. It shall be lawful for the Board of Superintendence, in the event of the Death, Bankruptcy, Insolvency, or Failure of the Sureties of any such Governor, or of either of such Sureties, or on the Application of the Sheriff, or otherwise at their Discretion, to order that such Governor shall give additional Security by Recognizance to such Amount as to such Board shall seem fit, and thereupon such Governor shall, within One Month from the Date of such Order, enter into an additional Recognizance, conditioned as in the last Section is specified, with new additional Sureties, to be approved of by the Clerk of the Peace; and such Recognizance shall be entered into and dealt with in all respects in like Manner as is directed in relation to the Recognizance in the preceding Section specified; and if such Governor shall neglect or fail to comply with such Order within the Time aforesaid he shall thereupon cease to hold the Office of Governor of such Prison, and the Board of Superintendence shall in manner aforesaid proceed to appoint a Governor in his Stead.

Governor, &c. of any Prison may be removed by Board of Superintendence.

XXII. Every Governor, Local Inspector, Chaplain, Medical Officer, and every Officer, Male or Female, of any Prison, whether Gaol, Bridewell, or House of Correction, shall be removable, and may be from Time to Time, as Occasion may require, removed by the Board of Superintendence of the Prison to which they belong: Provided always, that in case the Inspectors General of Prisons, or One of them, shall, by Writing, under their or his Hand, certify to the Lord Lieutenant of *Ireland* any Misconduct or Incapacity on the Part of any Governor, Local Inspector, Chaplain, Medical Officer, or

or any other Officer, Male or Female, for or of any One such County or Joint Prison, or his or her Unfitness to discharge and fulfil the Duties of his or her Office, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland*, to direct the Board of Superintendence having Authority in that Behalf to hold an Inquiry into and investigate on Oath the Case of the Officer so charged with Incapacity, Misconduct, or Unfitness, and the said Inspectors General, or One of them, may be present and take Part in such Investigation and Inquiry; and the said Board of Superintendence shall report to the Lord Lieutenant their Opinion on the said Matter, and shall forward to the Lord Lieutenant a Copy of the Evidence taken by them; and it shall be lawful for the Lord Lieutenant, after he has received the said Report and Evidence, by Writing under the Hand of the Chief and Under Secretary for *Ireland*, to direct the said Board of Superintendence to remove or dismiss any Governor, Local Inspector, Chaplain, or Medical Officer, or any other Officer, Male or Female, whose Misconduct, Incapacity, or Unfitness shall have been made the Subject of the aforesaid Investigation or Inquiry; and if the said Board of Superintendence shall refuse to dismiss such Officer, when required so to do as aforesaid by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary, to remove or dismiss such Officer; and in every Case of such Removal of any such Officer the Lord Lieutenant shall cause Notice to be given to the Board of Superintendence having Authority in that Behalf, requiring them to appoint another Person in the Room of the Officer so removed, and the said Board of Superintendence shall thereupon proceed to make such Appointment at a Meeting to be duly convened for that Purpose within One Month from the Receipt of such Notice: Provided always, that nothing in this Section contained shall extend or apply to the *Richmond* Bridewell in *Dublin*, or to the *Grange Gorman* Female Penitentiary in *Dublin*, or interfere with or affect the Powers of the Persons now entitled thereto to dismiss the Officers of the said Bridewell and Penitentiary respectively.

Provisions of Acts authorizing Superannuation of certain Officers of Prisons extended to all Officers thereof.

XXIII. Whereas by Section One hundred and twenty-five of the Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter One hundred and sixteen, and the Fifth Section of the said recited Act of the Third and Fourth Years of Her present Majesty, Chapter Forty-four, Provision is made for the Superannuation of the Keepers, Turnkeys, and Matrons of the Prisons to which the said Sections apply, and it is expedient to extend the said Sections to all other Officers of the said Prisons, Medical Officers included, whether such Medical Officers act in virtue of their Office as

Surgeon of the County Infirmary, or by direct Appointment as Medical Officer of the Gaol, and to all Officers of the Prisons to which this Act may apply: Be it therefore enacted, That the said Sections of the said Acts of the Sixth and Seventh *William* the Fourth, and Third and Fourth of Her present Majesty, shall extend to and include all Officers of the Prisons to which the said Sections of the said Acts or this Act apply.

Governor of County Gaol shall be Governor of House of Correction.

XXIV. So much of Section Eighty-nine of the Prisons Act as provides that it shall be lawful for the Grand Jury to appoint a Keeper or Governor of such House of Correction, as is in the said Section mentioned, is hereby repealed, and from and after the passing of this Act the Person to be appointed Governor of the County Gaol shall be and shall be appointed to be Governor also of such House of Correction: Provided that any Keeper appointed before the passing of this Act of any such House of Correction shall continue to be such Keeper, with the like Salary, and to perform the like Duties, as if this Act had not been passed.

Section 93. of Prisons Act repealed, and Local Inspector of County Gaol to be Local Inspector of Bridewells.

XXV. From and after the passing of this Act the Ninety-third Section of the Prisons Act shall be repealed; and the Local Inspector of the Gaol of any County or of any such joint Prison as is herein-after mentioned shall be *ex officio* the Inspector of all the Bridewells in the same County or in the County and Borough to which such joint Prison shall belong, and such Local Inspector shall direct and superintend the Supply of every such Bridewell with Necessaries, and the Prisoners in every such Bridewell shall be supplied with such Necessaries in the same Manner in the like Cases, under the same Regulations, and out of the same Funds as the Prisoners in the County Gaol are authorized to be supplied; and in addition to the Board of Superintendence of the County Gaol, and without Prejudice to the Authority vested in such Board by the Prisons Act and by this Act, the Justices of the Peace, or any Two of them, selected by the Board of Superintendence, attending the Petty Sessions of any Petty Sessions District in which any Bridewell (other than a District Bridewell) is situate, are hereby constituted an auxiliary Board of Superintendence of such Bridewell for the following Purposes only; that is to say, for the Purpose of inspecting such Bridewell, and of reporting to the Board of Superintendence in relation to the Repairs of such Bridewell, the Supply of Necessaries therein, the Cost of Dietary according to the average Prices in the neighbouring Markets, the keeping of the Registry and List of Committals, and as to all Matters affecting the Health and Discipline of the Prisoners in such Bridewell; and such Justices and every of them shall have full Power and Authority from Time to Time to inspect the said Bridewells, and report to the Board

Power to Justices to appoint auxiliary Board of Superintendence of Bridewell.

Board of Superintendence all such Matters and Things as may seem fit and proper to be communicated to such Board, or to be known by them.

Part of Sect. 94. of Prisons Act repealed.

Prisoners may be committed to and detained in Bridewells in certain Cases.

XXVI. So much of the Ninety-fourth Section of the Prisons Act as provides that Prisoners may be detained in any Bridewell distant more than Twelve Miles from any County Gaol or District Bridewell until the First Week in the Calendar Month next after their Committal, is hereby repealed; and it shall be lawful to commit and detain in any Bridewell (other than a District Bridewell), which shall be distant more than Fifteen Miles from the County Gaol or from a District Bridewell, any Prisoner committed or sentenced for any Period not exceeding One Week: Provided always, that this Enactment shall not apply to any Bridewell, unless and until the Inspectors General of Prisons or One of them shall have certified in Writing under their or his Hand, to the Chief or Under Secretary of the Lord Lieutenant, that such Bridewell is fully sufficient for the safe Custody of the Prisoners and the Separation of the Sexes, and is duly provided with Water and Sewerage, and that the Day Room and Cells thereof are of such a Size and are lighted, ventilated, and fitted up in such a Manner as the said Inspectors or Inspector deem sufficient for the Preservation of the Health of the Prisoners to be confined therein, and unless and until Notice that such Bridewell has been so certified shall have been transmitted from such Chief or Under Secretary to the Magistrates of each Petty Sessions of the County in which such Bridewell is situate: Provided also, that as regards Bridewells not so certified, and not being District Bridewells, Prisoners shall not be detained therein otherwise than is provided by so much of the Ninety-fourth Section of the Prisons Act as is not hereby repealed.

Section 95. of Prisons Act repealed.

Returns to be made by Keepers of Bridewells and Expenses to be paid.

XXVII. The Ninety-fifth Section of the Prisons Act shall from and after the passing of this Act be repealed, save as to anything heretofore done under the same; and a Return or Record shall be made and kept by the Keeper of every Bridewell in *Ireland* not being a District Bridewell, in the Form of the Schedule in the Prisons Act mentioned, or in such other Form as may have been already approved of by the Judge of Her Majesty's Court of Queen's Bench, or as shall hereafter be approved of by the Lord Lieutenant, of the Committal and Discharge of Prisoners, and of all Expenses incurred in such Bridewells for or in respect of such Prisoners, One Copy of which Return or Record shall be preserved in such Bridewell, and One other Copy shall be transmitted to the Board of Superintendence, within Fourteen Days after the Thirteenth Day of *March*, Thirteenth Day of *June*, Thirteenth Day of *September*, and Thirteenth Day of *December* in each and every Year; and the said Board of Superintendence shall examine and certify

certify the said Copy, and shall administer to such Keeper an Oath to the Truth of such Return or Record, and thereupon shall pay to such Keeper the Amount of the Expense so incurred and specified in such Return or Record, together with Allowances for Fire, Candles, and Straw; and it shall be lawful for the Grand Jury of the County, and they are hereby required, on the Production of such Return or Record at the next ensuing Assizes, to make Presentment in favour of the Board of Superintendence for the Amount mentioned in such Return or Record, or such Portion thereof as shall be certified to have been properly incurred by the said Board of Superintendence, and the Keeper of every such Bridewell shall, at the Times above specified, furnish to the Inspectors General of Prisons a Return certifying the Number of Prisoners confined in the said Bridewell during the preceding Quarter, together with the Number of Meals actually issued to such Prisoners whilst so confined, and the Cost of their Maintenance, and the Number of Prisoners committed thereto for Drunkenness.

Work in Prisons to be manual or mechanical only.

XXVIII. The Work or Labour authorized by the One hundred and fifth Section of the Prisons Act shall be manual or mechanical Work or Labour; and no Board of Superintendence shall authorize or permit any Prisoner to carry on or exercise any Profession, Trade, Business, Calling, or Employment which the said Board shall deem inconsistent with or unsuited to the due Regulation, Discipline, or Management of the Prison under their Care, or of the Prisoners therein, or which the Lord Lieutenant shall, upon the Report of the Inspectors General, signify to the said Board of Superintendence to be, in the Opinion of the said Lord Lieutenant, inexpedient or improper to allow such Prisoners, or any of them, to carry on or exercise.

Power to declare Money found on Vagrants, &c. to be forfeited.

XXIX. When in any Prison any Money shall be found in the Possession or Custody of any Person committed thereto as a Vagrant, or for offending against the Laws in force for the Relief of the destitute Poor, it shall be lawful for the Board of Superintendence of such Prison, or in the Case of Bridewells for the auxiliary Board of Superintendence thereof herein-before recited, if they shall think fit so to do, to declare such Money to be forfeited, and to apply the same towards the Payment of the Expense of the Maintenance of such Person in such Prison, returning to him or her, upon his or her Discharge, the Overplus, if any, of the Money so found.

Reports to be made by Local Inspectors.

XXX. The Local Inspector, instead of reporting the Complaints made to him by the Prisoners to the Inspectors General of Prisons, under the Thirteenth Rule of the One hundred and ninth Section of the Prisons Act, shall report the same to the Board of Superintendence, and

and shall, after each Meeting of the said Board, forthwith report to the Inspectors General of Prisons the Decision of the said Board upon such Complaints; and the said Local Inspector shall from Time to Time report to the Inspectors General of Prisons when any Officer of any Prison or Bridewell under his Inspection has died, or has been removed or dismissed, or has resigned, and shall specify in such Reports the Name of such Person (if any) who shall have been appointed in place of such Officer, with the Date of his or her Appointment; and shall also report when any Prisoner or Prisoners has or have died, together with the Cause of Death; and the said Local Inspector shall, once at least in each Quarter of a Year, or oftener if he shall think fit, report to the said Inspectors General whether any epidemic Disease has appeared in any Prison or Bridewell under his Inspection, and whether any Mutiny, Riot, or Escape or Attempt to escape has taken place therein or therefrom; and also whether any Prisoner therein has, according to his own Desire, changed his religious Profession; and the said Local Inspector shall add to his said Report any Observations that may occur to him respecting the general Health, Discipline, or Order of the said Gaol, and the correct keeping of the several Books and Forms now directed to be kept by the Court of Queen's Bench, or which shall hereafter be directed to be kept by the Lord Lieutenant.

Certain Portions of Sections 112. 113. and 117. of Prisons Act, repealed.

XXXI. The following Portions of the One hundred and twelfth, One hundred and thirteenth, and One hundred and seventeenth Sections of the Prisons Act are hereby repealed, that is to say, so much of the One hundred and twelfth Section as provides that every Officer holding any Office in any Prison or Prisons in *Ireland* shall, while he shall hold that Office, be deemed, taken, and considered in respect thereof an Officer of the Court of Queen's Bench, and subject to the Order thereof as such; so much of the One hundred and thirteenth Section as enables or authorizes the Court of Queen's Bench, or any Judge thereof, to commit, as in Contempt of the said Court, any Keeper, Inspector, or other Officer of a County Prison who shall refuse to attend or be examined by or give sufficient answer to the Board of Superintendence thereof, or to any Three of them, as in the said Section mentioned; and so much of the One hundred and seventeenth Section as empowers the Inspector of a County Gaol to order into the Stores of the Gaol the Prison Dresses belonging to such Convicts as are therein mentioned, and to issue to such Convicts new Dresses as is therein mentioned.

Penalties on aiding Escape of Prisoners.

XXXII. If any Person shall convey or cause to be conveyed into any Prison to which this Act shall extend any Mask, Visor, or other Disguise, or any Instrument or Arms proper to facilitate the Escape

of any Prisoner, and the same shall deliver or cause to be delivered to any Prisoner in such Prison, or to any other Person there, for the Use of any such Prisoner, every such Person shall be deemed to have delivered such Mask, Visor, or Disguise, Instrument or Arms, with Intent to aid and assist such Prisoner to escape or attempt to escape, and if any Person shall by any Means whatever aid and assist any Prisoner to escape, or in attempting to escape, from any Prison, every Person so offending, whether an Escape be actually made or not, shall be guilty of Felony, and being convicted thereof shall be kept in Penal Servitude for any Term not less than Six or more than Eight Years.

As to Trials of Prisons Escapes, &c.

XXXIII. Any Offender escaping, breaking Prison, or being rescued therefrom may be tried either in the Jurisdiction where the Offence was committed, or in that where he or she shall be apprehended and retaken; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping or attempting to escape, or having broken Prison, or having been rescued, or against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Certificate given by the Clerk of the Crown, the Clerk of the Peace, or the Clerk of any other Court in which such Offender shall have been convicted, shall, together with due Proof of the Identity of the Person, be sufficient Evidence to the Court and Jury of the Nature and Fact of the Conviction, and of the Species and Period of Confinement to which such Prisoner was sentenced.

Penalty on introducing prohibited Articles into Prison.

XXXIV. If any Person shall carry, or bring, or attempt, or endeavour by throwing over the Walls, or in any other Means, to introduce into any Prison to which this Act shall extend any Letters, Tobacco, or any other Article not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Offence in a summary Way, and if he shall lawfully convict such Person of such Offence he shall forthwith direct such Offender to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, unless such Offender shall immediately pay down such Sum of Money not exceeding Five Pounds nor less than Forty Shillings, as such Justice shall impose, and such Fine shall be paid to the Board of Superintendence towards the Expense of the Maintenance of such Prison.

Annual Payment of 20*l.* by Grand

XXXV. So much of the Fifty-sixth Section of the Prisons Act as relates to the Payment of the Sum of Twenty Pounds a Year by a Collector

Collector of Excise to any Inspector General of Prisons upon or in respect of his making his Report as therein mentioned, or as relates to the Presentment of any such Sum by any Grand Jury for the Repayment of the same, is hereby repealed, and such Payments and Presentments shall cease from and after the making of such Reports for the Year One thousand eight hundred and fifty-six by the said Inspector General; and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that Compensation shall be made to the said Inspectors General for the Loss of such Payments; and such Compensation shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose in such Manner as the said Commissioners in their Discretion shall think fit to direct: Provided always, that the said Inspectors General shall continue to make such Reports to the Secretaries of the Grand Juries and to the Chief Secretary as they are required to make by the Fifty-fifth and Fifty-sixth Sections of the Prisons Act

Juries to each Inspector General on making his Report shall cease.

Treasury to make Compensation to Inspectors General.

XXXVI. And whereas by an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Forty-five, and by another Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Nineteen, Provision is made for the Removal in certain Cases of Prisoners from one Place of Confinement to another, and by the same Acts and by another Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-five, Provision is made for defraying the Expenses of such Removal, and also of the Removal and Conveyance of Prisoners upon ordinary and other Occasions: And whereas it is expedient to extend the Power of the Lord Lieutenant in respect of the Removal of Prisoners and to alter the Mode in which the aforesaid Expenses are at present vouched and paid: Be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* as and when and as often from Time to Time as he shall think it proper or expedient so to do, by Order in Writing signed by the Chief or Under Secretary for *Ireland* for the Time being, to direct that any Person being imprisoned in any Prison, Gaol, Bridewell, or other Place of Confinement in *Ireland*, under or by virtue of any Process, Civil or Criminal, or under or by virtue of any Order or Writ of any Court of Justice in *Ireland*, shall and may be removed from such Prison, Gaol, Bridewell, or other Place of Confinement, to such other Prison, Gaol, Bridewell, or Place of Confinement as to such Lord Lieutenant shall seem fit and proper for and during such Time as to him shall appear expedient, and every such Person when so removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Removal, and for and during such Time as he or she shall be in the Place to which he or she shall be so removed, in like

Powers of Lord Lieutenant in respect of the Removal of Prisoners extended.

like Manner to all Intents and Purposes as if such Person had been continued in his or her original Place of Confinement and had not been by any such Order removed from the same; and no Right, Duty, Authority, Liability, Jurisdiction, Franchise, Power, Privilege, or Function of any Person whatsoever, which if such Removal had not taken place would have existed or could or might have been used or exercised, shall be in any Degree affected, altered, diminished, or prejudiced by or in consequence of any such Removal: Provided always, that in case any such Prisoner shall be removed under the Provisions of this Act from any County into any other County, the Expenses of the Support and Maintenance of such Prisoners respectively in any Place to which they shall be so removed shall be paid and provided for by the County from which they shall respectively have been so removed, in like Manner as the same ought to have been paid or provided for before such Removal; and the Expenses of any such Removal under this Act, and of any Removal of Prisoners under the said recited Acts of the Tenth and Eleventh and Twelfth and Thirteenth Years of Her Majesty, and of any further Removal of Prisoners to their original Place of Custody, shall be charged and chargeable on the County from which they shall have been in the first instance so removed; and the said Act of the Fourteenth and Fifteenth Years of Her present Majesty shall extend to and include such Expenses, and in every Case where any such Expenses as aforesaid, or any such Expenses as are mentioned in the Fourth Section of the said last-mentioned Act, shall have been incurred by any Gaoler, Bridewell Keeper, or other Prison Officer when in charge of any such Prisoners, such Expenses shall in the first instance be paid as follows, that is to say, by the Governor when the said Expenses shall have been incurred by the Governor or any Officer of any Prison other than a Bridewell, and by the Local Inspector when the said Expenses shall have been incurred by the Keeper or other Officer of any Bridewell; and the said Expenses of such Governor, Keeper, or other Prison Officer shall not be paid by the Inspector of Constabulary, anything in the said recited Act of Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-five, contained to the contrary notwithstanding; and the Local Inspector and Governor of the County Gaol shall from Time to Time lay before the Board of Superintendence of the said Gaol Accounts duly vouched of the Expenses so incurred, and the said Board of Superintendence are hereby empowered and required to examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy, to pay the same out of any Funds under their Control.

As to Payment of Expenses of Prisoners removed from One County to another.

Such Expenses not to be paid by Inspectors of Constabulary.

Counties and Boroughs adjoining

XXXVII. It shall be lawful for the Grand Jury of any Borough which shall be a County of a City or a County of a Town, or the Council

Council of any such Borough where such Council shall have Jurisdiction over the Prisons of such Borough, and whether or not the said Grand Jury or Council may have agreed with the Grand Jury of any County for the Maintenance by Contract of the Prisoners of such Borough, to contract and agree, in manner and subject to the Provisions herein-after contained, with the Grand Jury of any County immediately adjoining such Borough, for the Payment of any Sum or Sums of Money by either or both of the Parties to any such Agreement, towards altering, enlarging, building, rebuilding, repairing, or improving any Prison situated or to be situated within such County or Borough, to be thenceforth used as the joint Common Gaol for such County and Borough, and either in addition to or in substitution for the existing Prisons of such County or Borough, or either of them, and towards the Expense and Maintenance, Clothing, safe Custody, and Punishment of the Persons committed thereunto, including their Committal and Conveyance to and from Prison, and all other Expenses of the said Prison, and to and in such joint Prison when the same shall be certified as is hereafter directed, may be removed, committed, and imprisoned all Criminals, Debtors, and other Persons who might theretofore have been lawfully committed to or imprisoned in the Common Gaol, House of Correction, or other Prison of the County or of the Borough which shall be a Party to any such Agreement.

may enter into Agreements for providing a joint Common Gaol for County and Borough.

XXXVIII. All Monies to be paid under any Agreement authorized by this Act for building, rebuilding, repairing, or enlarging any such joint Prison as aforesaid, shall be presented and raised in the same Manner and subject to the same Conditions as Monies to be presented and raised by the Grand Jury of any County, and by the Grand Jury or Council of any such Borough as aforesaid, for building, rebuilding, or enlarging any Gaol, Bridewell, House of Correction, or other Prison under their Management respectively; and all Monies to be paid towards the current annual Expenses of such joint Prison, and towards defraying all other Expenses incurred by the contracting Parties, or either of them, in carrying such Agreement into effect, shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County, or by the Grand Jury or the Council of any such Borough as aforesaid respectively, for defraying the ordinary current Expenditure of the several Gaols.

Presentments may be made for joint Prisons for Counties and Boroughs.

XXXIX. It shall be lawful for the Grand Jury of any such County and for the Grand Jury or Council of any such Borough at any Assizes, or in the Case of the Council of any such Borough at a Special Meeting to be convened for that Purpose, to take into Consideration the Expediency of making any such Agreement as aforesaid, and in case such

Committees may be appointed by Grand Juries to make Arrangements for joint Prisons.

such Grand Juries, or such other Grand Jury and Council, as the Case may be, shall resolve that it is expedient that such Agreement should be made, then for each such Grand Jury or Council to appoint not less than Three and not more than Five of the Members of such Grand Jury or Council, as the Case may be, to be a Committee on Behalf of such Grand Jury or Council to negotiate and make such Agreement as aforesaid, and from Time to Time at the same or any subsequent Assizes, or in case of the Council at any subsequent Special Meeting to be convened for the Purpose, to fill up any Vacancy in the said Committee caused by Death, Resignation, or otherwise.

Committees appointed shall form joint Committees, and shall draw up Agreements.

XL. Each Committee so appointed shall be deemed to represent respectively the Grand Jury or Council by which it shall have been appointed, and the Committees so appointed shall form One joint Committee, and shall draw up an Agreement distinctly setting forth the Terms and Conditions upon which the said Grand Juries or Grand Jury and Council shall make any such Agreement as aforesaid; which Agreement when subscribed by a Majority of the Members of each Committee, severally representing the Grand Jury or Council by which it shall have been appointed, and approved and confirmed as hereinafter directed, shall be binding on the said Grand Juries, or the said Grand Jury and Council, and on all other Persons, to all Intents and Purposes.

Particulars which Agreement shall specify.

XLI. Every such Agreement shall specify the Place where such Prison is or is to be situated, and the County and Borough for which it is proposed to be built or used (the Area and Proportion of the same being set forth in so far as the same may be known), and such Agreement shall further specify the Number of Prisoners for which it is proposed that Accommodation should be provided, and such Agreement shall further specify the Proportion in which the Expenses of purchasing any Site, and of building, finishing, and fitting up such Prison, or, as the Case may be, of enlarging and improving such Prison, shall be borne by each of the contracting Parties; and also the Proportion in which the Expenses of rebuilding or repairing such Prison in the event of any sudden Accident happening thereunto, shall be contributed by each of the contracting Parties; and also whether such Prison is to be used in place of or in addition to any and which of the existing Prisons of the said County or Borough; and also the Mode in which it is proposed to constitute the Board of Superintendence of such Prison, and the Amount of the Salaries proposed to be paid annually to the Officers of such Prison, and the Proportion in which the same Salaries and such Expenses as may be incurred in respect of the ordinary Repairs of such Prison, the Government and Discipline of such Prison, the Maintenance, Management, and

and Custody of Prisoners, and all other current and ordinary Expenses of the said Prison, shall be apportioned on each of the contracting Parties, and such Proportion may be either a fixed Share determined beforehand of the ordinary annual Expenses of the said Prison, or be made to depend upon, vary with, and be ascertained and calculated by the Number of Prisoners who shall be confined in the said joint Prison from the said County and Borough respectively, and the Period of Time for which each such Prisoner shall be so confined, such Calculations to be made at such Intervals and according to such Scale as in the said Agreement shall be mentioned, and to be either at a fixed Rate by the Day, Week, or Month for the Cost of each such Prisoner, or at the actual average daily, weekly, or monthly Cost of each such Prisoner, according to the whole Number of Prisoners for the Time being confined in such Prison, and such Agreement shall also specify the Period of Time, not being less than Three Years, for which the First Agreement for such Proportion of such current and ordinary Expenses (whether the same shall be at a fixed or variable Proportion) shall endure: Provided always, that at the Expiration of such Period the Agreement shall nevertheless continue in force, unless and until altered and renewed, upon such Terms and in such Manner as is herein-after directed.

Agreements shall be laid before Grand Juries and Councils for Approval.

XLII. Whenever any Agreement shall have been so entered into and signed the joint Committee shall lay the same for Approval before the Grand Juries or Grand Jury and Council of the said County and Borough at the Assizes, if any then current, or at the Assizes holden next after the making thereof, and in the Case of the Council of the Borough at a Special Meeting to be convened for that Purpose, and shall deliver to such Grand Juries or Grand Jury and Council respectively a Duplicate of such Agreement to be filed by the Clerk of the Peace or Town Clerk of such County or Borough, to be by them kept with the Records of the said County or Borough: Provided always, that no such Agreement shall be valid until the same shall have been approved of by the several Parties thereto in manner aforesaid, and until the same shall have been confirmed by the Lord Lieutenant as herein-after directed.

Agreements to be submitted to Lord Lieutenant for Approval.

XLIII. Each of the said Parties shall forthwith cause such Agreement, when approved of in manner aforesaid, to be laid before the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant to confirm such Agreement, and to direct that such Prison, when certified by One of the Inspectors General of Prisons in *Ireland* to be fit for the Reception of Prisoners, or of the additional Prisoners whom it shall be proposed to confine therein, shall thenceforth be used as a joint

joint Common Gaol, as well for Debtors as Criminals, for such County and Borough respectively.

Lord Lieutenant, on Report of Inspectors General, may direct Prison to be used as a joint Prison, and Prisoners to be removed to it.

XLIV. When any joint Prison, or a sufficient Part thereof, shall have been built, or enlarged or improved, as the Case may be, and fitted up for the Reception of Prisoners, or of the additional Prisoners whom it shall have been agreed to confine therein, and proper Officers shall have been appointed for the Management thereof, the Inspectors General of Prisons or One of them shall certify, in Writing under their or his Hand to the Lord Lieutenant, that such Prison, or a sufficient Part thereof, is so fitted and completed, and that such Officers have been appointed, and it shall thereupon be lawful for the Lord Lieutenant, by an Order in Writing, to direct that such joint Prison may thenceforth be used as a Gaol, as well for Debtors as Criminals, for the said County and Borough respectively, either in addition to or in place of (as shall be specified in said Order) the other then existing Gaols of the said County or Borough, and that all Prisoners, as well Debtors as Criminals, at that Time confined in the Common Gaol, Bridewell, House of Correction, or other Prisons of the said County or Borough, or such and so many of such Prisoners as shall be specified in the said Order, may, if requisite, be forthwith removed to such joint Prison by the Governors or Keepers of such Gaols, Bridewells, Houses of Correction, or other Prisons as aforesaid, and the Removal of any such Prisoners, in obedience to any such Order, shall not be construed to be an Escape.

Boards of Superintendence to be appointed for joint Prisons.

XLV. It shall be lawful for the Grand Jury or Council of any County or Borough which shall be Party to any such Agreement as aforesaid, and each and every such Grand Jury and Council is hereby authorized and required, at the Assizes, with the Consent and Approbation of the Court or a Judge, or at a Special Meeting of such Council, to appoint so many Persons as it shall have been agreed should be appointed by each such Grand Jury or Council respectively (One Half of whom at the least shall be Justices of the Peace for the County or Borough by the Grand Jury or Council whereof they shall be so appointed) to be and form together One joint Board of Superintendence of such joint Prison; and it shall and may be lawful for any such Grand Jury or Council at any subsequent Assizes, or at any subsequent Special Meeting, to remove any Member or Members of such Board who shall have been appointed by such Grand Jury or Council respectively, and to fill up any Vacancies among such last-mentioned Members occasioned by Death, Resignation, or otherwise; and such Board of Superintendence shall have the same Powers, Authorities, Jurisdiction, and Discretion over and with respect to such joint Prison, and the Appointment of the Officers

Officers thereof, and over and with respect to the Prisoners therein, as are or shall be given to or vested in the Board of Superintendence of any County Prison over or with respect to such Prison, and the Officers thereof or the Prisoners therein, by this Act or the Prisons Act, or any Act amending the same; and any Three or more of such Board of Superintendence, One of whom at least shall be a Justice of the Peace for either the said County or the said Borough, shall be in all Cases competent to do and perform any Matter or Thing whatsoever in execution of any Duty required to be done and performed, or which might be lawfully done and performed by the whole Board of Superintendence in virtue of any Powers granted to them by this Act, or the Prisons Act, or any other Act in which there shall not be an express Provision to the contrary; and every Act done or performed by such Three Members of such Board of Superintendence (One of whom at least shall be a Justice of the Peace, and all of whom may have been appointed Members of such Board by the Grand Jury of the County, or, as the Case may be, by the Grand Jury or Council of the Borough) shall be as valid and effectual to all Intents and Purposes as if done by the whole Board of Superintendence.

Quorum of Boards of Superintendence.

XLVI. It shall and may be lawful for the Grand Jury of every County, and for the Grand Jury or Council of every Borough which shall be Party to any such Agreement, to make all Presentments of Money for such joint Prison to such Board of Superintendence, to be by them appropriated to the several Purposes for which such Moneys are intended, and also, if they shall think proper so to do, to present in advance to such Board any reasonable Sum or Sums which such Grand Jury or Council shall deem necessary for any of the Purposes for which Presentments are or shall be allowed by the Prisons Act or this Act, or any Act which for the Time being shall be in force in *Ireland* relating to Repairs, Accommodation, or Discipline of Prisons; and every Sum so presented in advance shall and may be afterwards applied or applicable, by or under the Orders of such Board of Superintendence, to the Purposes for which the same shall be so presented respectively, and shall be afterwards duly accounted for according to Law.

Presentments may be made to joint Boards of Superintendence.

XLVII. Such Board of Superintendence of such joint Prison shall be the Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within such County or Borough, not being the Prison of a different County, and all the Provisions of the Prisons Act and of this Act, and of every other Act or Acts relating to the Board of Superintendence to be appointed by the Grand Jury, or Council of any County or Borough, for every Gaol, Bridewell, House of

Joint Boards to be the Boards of Superintendence of all Prisons in Counties and Boroughs.

of Correction, or other Prison within such County or Borough, shall apply, extend to, and include the said Board of Superintendence of such joint Prison as if the said Board had been appointed by such Grand Jury or Council for every such Gaol, Bridewell, House of Correction, or other Prison as aforesaid.

As to Revisal of Agreements on Termination of Periods specified.

XLVIII. On the Termination of the Period specified in any such Agreement as aforesaid for the Continuance of the Proportion to be contributed by each of the contracting Parties towards the current and ordinary Expenses of any such joint Prison, or on the Termination of any such further Period as shall have been agreed on or settled as herein-after provided, the Board of Superintendence for the Time being of any such joint Prison shall, in case it shall appear to them proper to make any Alteration in the Proportion for the Time being adopted, proceed to propose a Revisal of such Proportion to the Grand Juries, or Grand Jury and Council, of the said County and Borough assembled respectively at Assizes or at a special Meeting; and shall also propose the Period, not being less than Five Years, for which the then existing or such revised Proportion shall endure, and the Time when the said revised Proportion shall commence; and any such Proposal, when approved of by a Resolution of the said Grand Juries, or Grand Jury and Council respectively, shall to all Intents and Purposes be an Agreement binding upon the Parties thereto, and shall continue in force for the Period in the said Proposal specified, and also from and after the End of the Period so specified, until a Proposal for further Revisions shall be adopted as aforesaid or Award made, as is herein-after authorized.

In case Parties disagree upon the Terms of new Agreements Lord Lieutenant may appoint Arbitrators.

XLIX. In case the said Board of Superintendence for the Time being of any such joint Prison shall neglect or refuse to propose such Revisal of the Proportion for the Time being, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall resolve that some Revisal of such Proportion ought to be proposed, but shall not agree upon the Terms of such Proposal, or in case the said Board of Superintendence for the Time being of any such joint Prison shall propose some Revisal of such Proportion, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall not agree to such Proposal, then and in either of such Cases it shall be lawful for the Lord Lieutenant, upon the Application of either of the said Grand Juries, or Grand Jury and Council, as the Case may be, to appoint any Barrister to be an Arbitrator to determine the Matters in dispute, and such Barrister shall have Power to arbitrate between the Parties; and the said Barrister shall summon the several Clerks of the Peace and the Town Clerks of the several Parties so contracting as aforesaid, the Governor of the said

said joint Prison, and such other Persons as he may require, to appear before him at a Time and Place to be by him appointed, and there to give Evidence upon Oath (which Oath such Arbitrator shall be empowered to administer), and to produce all Information touching the Matters in dispute; and such Arbitrator may, if he shall think fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded as shall appear to him to be necessary, and shall, by his Award in Writing, determine the several Matters in dispute, and his Award shall be final and conclusive between the Parties for the Term of Five Years, and also from and after the End of such Term of Five Years until a Proposal for further Revision shall be adopted as aforesaid or Award made, as is herein authorized; and such Arbitrator shall assess the Costs of such Arbitration, and shall direct by whom and out of what Fund the same shall be paid, and the same shall be paid accordingly.

Section 9. of 3 & 4 Vict. c. 109. repealed.

Power to Borough to contract with County for Reception of Prisoners in the County Gaol.

L. The Ninth Section of the Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, Chapter One hundred and nine, is hereby repealed; and it shall be lawful for the Grand Jury of any Borough which shall be a County of a City or County of a Town, or for the Council of any such Borough, when such Council shall be the Body having Authority over the Gaols of the said Borough, to contract with the Grand Jury of any County adjoining the said Borough, or with which it shall have a common Boundary, for the Support and Maintenance in any Gaol or House of Correction of such County of the Prisoners, as well Debtors as Criminals, committed thereto from such Borough; provided that no such Contract be entered into without an Order for that Purpose being made by each Grand Jury or Council which shall be Party thereto in their County Book or other Book in which their Proceedings are entered, and every such Contract may either be perpetual or limited to a Term of Years, as the Parties shall mutually agree; and during the Existence of such Contract all Prisoners, as well Debtors as Criminals, who would otherwise be confined in the Gaol or House of Correction of such Borough, may be lawfully committed or removed to and confined in the Gaol so receiving them under such Contract, and every Person so committed and removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Committal and Removal, and for and during such Time as he shall be in the said Prison so receiving him, under such Control as aforesaid, in like Manner to all Intents and Purposes as if such Person had been committed to or had been or continued to be in the Common Gaol of such Borough; and every such Prisoner, Debtor, or other Person shall, during his or her Confinement in such County Prison, be in all respects subject

subject to the sole Government and Control of the Board of Superintendence of such County Prison.

Power to Grand Jury of Boroughs to present for Amount of Contracts.

LI. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of any such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall have agreed with the Grand Jury of an adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, it shall be lawful for the Grand Jury or Council of such Borough, whether such Contract shall be perpetual or limited to a Term of Years, to present or cause to be paid, if they shall so think fit, any Sum of Money to the Grand Jury of the County with which they shall have made such Contract, to be by such last-mentioned Grand Jury, or any other Persons authorized in that Behalf, expended in or towards enlarging or repairing the Gaol or House of Correction in which it shall have been agreed to maintain the Prisoners to be committed from such Borough, and in or towards preparing such Gaol as a joint Prison for the Accommodation of such Prisoners.

Power to Grand Juries of Boroughs to grant and convey old Prisons to Grand Juries of Counties.

LII. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prison of such Borough, or shall, under the Provisions aforesaid, have entered into any perpetual Agreement with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and the Grand Jury or Council of such Borough shall not deem it advisable to sell or dispose of the old Prison of such Borough, in manner authorized by the Forty-eighth Section of the Prisons Act, it shall be lawful for such Grand Jury or Council to grant and convey to the Grand Jury of the County with which they shall have made such Contract for the Erection of a joint Prison, or for the Maintenance of the Prisoners committed from that Borough, as the Case may be, all or any of the old Prisons of such Borough, and the Ground and Soil thereof, for such Estate or Interest as such Borough, or any Person or Persons in trust for them, shall have therein, and that either gratuitously or upon such Terms and for such Sums of Money as to the Grand Jury or Council of such Borough shall seem fit, such Sum of Money to be either paid to the Treasurer of the Grand Jury or Council of such Borough by the Grand Jury to which such Prison shall be thus conveyed, or to be allowed and credited by such last-mentioned Grand Jury in their Account with the Grand Jury or Council of such Borough

Borough for the Maintenance by Contract of the Prisoners committed or removed from such Borough, or for the Contribution by such Borough towards the Expenses of such joint Prison as aforesaid; and it shall be lawful for such Grand Jury to appoint any Number of Persons, not more than Twelve nor less than Six, to be Trustees for receiving such Grant or Conveyance as aforesaid, and such old Prison (in case the Grand Jury of the County to which it shall have been so conveyed shall think fit at any Time afterwards to employ it as a Gaol or to confine Prisoners therein) shall, for all Purposes relative to the Jurisdiction of Justices of the Peace, and other Persons empowered to act in the Government of the Prisons of such County, be deemed to be within such County.

As to Trial of Prisoners committed or removed to joint Prisons or to County Prisons under Contracts.

LIII. All Prisoners, as well Debtors as Criminals, committed or removed to, or confined in, any such joint Prison as aforesaid from the County which was Party to the Contract under which such Prison was provided, shall be dealt with and be triable and tried in the same Manner as if such Prison were the Common Gaol of the County from which any such Prisoner was committed or removed; and all Prisoners, as well Debtors as Criminals, committed or removed to, or confined in, any such joint Prison as aforesaid from the Borough which was Party to the Contract under which such Prison was provided, and also all Prisoners, as well Debtors as Criminals, confined as aforesaid in the Gaol or House of Correction of any County, shall be dealt with in like Manner as if such joint Prison, or, as the Case may be, such County Prison, were the Common Gaol of the Borough from which any such Prisoner was committed or removed; and every Prisoner committed or removed before Trial from any Borough to any such joint Prison, or, as the Case may be, to such County Prison, shall be triable and tried in the Manner heretofore accustomed, and in the usual Place of Trial of such Borough, or other the Place in which he or she would or might have been tried if this Act had not been passed; and it shall be lawful for the Magistrates, or other proper Officers of such Borough, to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial or consequent thereon: Provided nevertheless, that nothing in this Act contained shall be deemed or taken to control, or in any manner limit or interfere with any Power which is by an Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Twenty-six, or by an Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Eighty-five, or by any other Act now in force, vested in the Lord Lieutenant of *Ireland*, of altering, with the Advice of Her Majesty's Privy Council in *Ireland*, the Place of holding the Assizes or Sessions, or special Commission or Commissions of Oyer and Terminer, of or for

 any

any County, County of a City, or County of a Town in *Ireland*, or to interfere with or in any manner invalidate or affect any Order in Council heretofore made for that Purpose, under the Authority of the said Acts or any of them.

As to granting Compensations to Officers of Prisons previously existing becoming unnecessary.

LIV. Whenever the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prisons of such Borough, or shall, under the Provisions aforesaid, have entered into any Agreement (whether perpetual or limited to a Term of Years) with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and whenever, by reason of the Removal of the Prisoners from the Borough Gaols to the joint Prison or County Gaol, pursuant to such Contract, any Officers of any Gaol or House of Correction of such Borough shall become unnecessary and shall be discharged from their respective Offices, every such Officer shall be entitled during his or her Life to such annual Allowance or Compensation, if any, not exceeding in Amount Two Thirds of the annual Salary to which such Officer shall have been entitled, as shall be fixed and ascertained for that Purpose by the Grand Jury, or, as the Case may be, by the Council of such Borough, at the Assizes next after the Time when such Officer shall become unnecessary and shall be discharged as aforesaid; or in case same shall not be fixed and ascertained at said Assizes, then to such annual Allowance or Compensation, if any, not exceeding the Rate aforesaid, as shall be so fixed and ascertained at the next subsequent Assizes; and the Grand Jury, or, as the Case may be, the Council of such Borough, shall at each Assizes, without Application to Presentment Sessions, present One Moiety of such respective Allowance or Compensation to every or any such Officer so discharged for the Cause aforesaid, during his or her Life, which respective Sums shall from Time to Time be raised, levied, and paid as other Sums raised and levied under Presentments of the Grand Jury at the same Assizes: Provided always, that no such annual Allowance or Sum shall, in any Case, exceed Two Thirds of the annual Salary to which such Officer shall have been entitled at the Time of his Discharge as aforesaid: Provided further, that if any Officer for whom any such Compensation shall be presented shall at any Time afterwards be nominated or appointed to any Office or Employment in or relating to any of the Gaols of the County and Borough which shall be Parties to such Agreement, or of either of them, the Salary and Emolument of which Office or Employment shall be equal to or exceed the Amount of Salary and Emoluments of which such Officer was in receipt at the Time of his Discharge as aforesaid, then and in such Case the Compensation so hereby

hereby provided for every Person so nominated or appointed shall cease and determine from the Day of such Nomination or Appointment; and provided further, that if any such discharged Officer who shall be so nominated or appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall cease and determine.

LONDON
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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out *England* and *Wales:* Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a Constabulary is not already established for the whole of a County, the Justices in General or Quarter Sessions to cause the same to be established; if already established in Part of a County, then for the Residue of such County.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the First Day of *December* One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County, then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty's Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, all the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty shall take effect and be applicable in relation to such County, in like Manner as by the said Acts provided, upon the Adoption of such Acts for any County by the Justices thereof, and the Receipt of such Rules as aforesaid from the Secretary of State, subject nevertheless to the Amendments contained in this Act.

Not to apply to Counties where Parties have sent to Secretary of State a Report as required by 2 & 3 Vict. c. 93. for the Establishment of a Police Force.

II. Provided always, That the Enactment herein-before contained shall not apply to any County where, before the said General or Quarter Sessions holden next after the said First Day of *December*, the Justices of the Peace of such County have sent to the Secretary of State such Report as is required by the said Act of the Second and Third Years of Her Majesty, in order to establish a Police Force for the whole of such County, or for such Residue thereof as aforesaid, (as the Case may be,) and the Proceedings upon and in relation to such Report, and consequent thereupon, shall and may be had and continued according to the said Acts as amended by the Enactments herein contained.

Where Constabularies have been established in Divisions of a County, such Establishments to

III. In any County where, after the Establishment, under the said Acts of Her Majesty or either of them, of a Constabulary for any Division or Divisions thereof, Constables have been or shall be appointed under such Acts and this Act, or any of them, for the Residue of the County, or for Divisions constituting together such Residue, there shall be One General County Police Establishment, and

and any Divisional Police Establishment or Establishments which may have been constituted in such County shall be consolidated with and form Part thereof, and a Chief Constable shall be appointed for such County, in like Manner and with the like Powers as in any Case where a Police Force is established for the whole County in the first instance.

be consolidated into One County Police Force.

IV. In case it appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or this Act, will be liable to contribute, to the Police Rate of any County, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts; and the said Justices shall thereupon, in manner directed by such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in the said Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *London Gazette* One Month at least before such Petition shall be considered.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

V. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made by such Council to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the said Act of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council; at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

Power to Her Majesty to vary such Terms from Time to Time.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

VI. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County, or within any County or Part of a County in which they have Authority, all such Powers and Privileges and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within any such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by Justices or Watch Committees.

VII. The Constables acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King *William* the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or the Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require.

Constables not to receive to his own Use Fees for Performance of his Duties.

VIII. It shall not be lawful for any Constable acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King *William* the Fourth, and this Act, or any of the said Acts, (other than a local Constable appointed under the said Act of the Third and Fourth Years of Her Majesty,) to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Treasurer of the County or Borough, or otherwise for the Use of the County or Borough, or which may be payable to, or applied in aid of, any Police Superannuation Fund established or to be established in any Borough, under the Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, or of any Local or other Act of Parliament.

IX. No

IX. No Head or other Constable already appointed or hereafter to be appointed for any Borough, under the said Act of the Fifth and Sixth Years of King *William* the Fourth, except Special Constables, shall, during the Time he continues to be such Constable, or within Six Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of any Person to any Municipal Office in such Borough, or for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to hold any Municipal Office in such Borough, or to be a Member to serve in Parliament for any such Borough or County; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Borough Constables disqualified from voting at certain Elections.

X. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they think fit, upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who has not served so long as Fifteen Years, is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty such Sum in gross as a Gratuity upon his Retirement as to the said Justices may seem proper.

Power to grant out of the Superannuation Fund, Gratuities to incapacitated Constables who have not served Fifteen Years.

XI. If at any Time the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty be insufficient (otherwise than by reason of any Default of any Treasurer or other Person entrusted with the Custody or Management thereof) to pay the Superannuation or Retiring Allowances and Gratuities payable thereout, the Amount which such Fund shall from Time to Time be insufficient to pay shall be defrayed by the Police Rate, and, where the County is divided into Police Districts, shall be defrayed by the several Districts as Parts of the local Expenditure thereof, rateably in proportion to the Number of Constables appointed for each such District respectively.

Deficiency in Superannuation Fund to be made up out of Police Rate.

Gratuities may be granted to Officers superseded by the County Police.

XII. It shall be lawful for the Magistrates in General or Quarter Sessions assembled, if they so think fit, to grant Gratuities to such Officers as may be removed from their Appointments in consequence of the Duties of such Officers being transferred to Persons belonging to the Police Establishment.

Power to grant Superannuations to Chief Constables, to be paid out of the Police Rate.

XIII. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age, unless the said Justices be satisfied that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.

XIV. The Justices of every County and the Watch Committee of every Borough shall, in the Month of *October* in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of the said Secretaries of State may from Time to Time direct, for the Year ending the Twenty-ninth Day of *September* then last, of the Number of Offences reported to the Police within such County or Borough respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such County or Borough which such Justices or Watch Committee may think it material to furnish, and a classified Abstract of all such Reports and Returns shall be annually prepared and laid before Parliament.

Power to Her Majesty to appoint Inspectors for inquiring into State and Efficiency of the Police in Counties and Boroughs, &c.

XV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and the Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report generally upon such

such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

On Certificate of Secretary of State that an efficient Police has been established in any County or Borough, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

XVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year ending on the Twenty-ninth of *September* then last past, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing, but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty; provided that before any such Certificate shall be finally withheld in respect of the Police of any County or Borough, the Report of the Inspector relating to the Police of such County or Borough shall be sent to the Justices of such County, or to the Watch Committee of such Borough, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld, a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Justices or Watch Committee as aforesaid, shall be laid before Parliament.

but not to any Borough where Population does not exceed 5,000, and not consolidated with Police of a County.

XVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed Five thousand.

Provisions relating to Borough Police to be applicable to the Police in the Places referred to in Section 20 of 3 & 4 Vict. c. 88. until discontinued.

XVIII. Until the Constables or Watchmen appointed in and for any Parish, Town, or Place under the Act passed in the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety, or under any Local Act authorizing the Appointment of Constables or Watchmen, and authorizing Rates to be made and levied for the Purpose of defraying the Expenses of such Constables or Watchmen, are discontinued as a separate Force in manner provided by Section Twenty of the said Act of the Third and Fourth Years

Years of Her Majesty and by this Act, all the Provisions of this Act applicable to the Constables of any Borough acting under the said Act of the Fifth and Sixth Years of King *William* the Fourth shall be applicable to the Constables or Watchmen appointed under the said Act of the Third and Fourth Years of King *William* the Fourth, or under such Local Act as aforesaid, in and for such Parish, Town, or Place, and until such Discontinuance all the Provisions of this Act applicable to the Watch Committee of a Borough shall be applicable to the Inspectors, Commissioners, or other Persons having the Appointment of Constables or Watchmen in and for such Parish, Town, or Place, and the Police of such Parish, Town, or Place shall be visited and inquired into by the Inspectors under this Act; and the Provision in this Act enabling the Commissioners of Her Majesty's Treasury to make Payment towards the Expenses of the Police of a Borough having a Population exceeding Five thousand, shall, until such Discontinuance, extend to the Police of such Parish, Town, or Place as aforesaid having the like Population.

The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State.

XIX. Provided, That where any such Parish, Town, or Place, having such Constables or Watchmen as aforesaid, contains, according to the last Parliamentary Enumeration, a Population of Fifteen thousand Persons or upwards, the Chief Constable of the County in which such Parish, Town, or Place is situate shall not give Notice, under the said Section Twenty of the said Act of the Third and Fourth Years of Her Majesty, that he is ready to undertake the Charge of such Parish, Town, or Place, without the previous Authority of One of Her Majesty's Principal Secretaries of State; and Notice of the Intention of the Chief Constable to apply to the Secretary of State for such Authority shall be published by such Chief Constable in such Parish, Town, or Place, in manner directed by the said Section Twenty respecting the Publication of the Notice therein mentioned, Fourteen Days at least before such Application is made.

No Agreement under Section 14 of 3 & 4 Vict. c. 88. to be put an end to without the Sanction of Secretary of State.

XX. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

Section 24 of 3 & 4 Vict. c. 88. repealed.

XXI. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

Power to Justices to purchase Station Houses or Strong Rooms provided under

XXII. Where a Station House or Strong Room shall have been provided under the said Act of the Third and Fourth Years of Her Majesty, Section Twelve, for any Police District or Division within any County in which the Provisions of the said Act of the Second and Third Years of Her Majesty, have not been put in

in force throughout the whole of such County before the passing of this Act, and the Cost of such Station or Strong Room has been incurred out of or now remains wholly or in part chargeable on the Police Rate for such Police District or Division, the Justices of the Peace for the County wherein such Police District or Division is situate, at any Quarter Sessions to be held after the passing of this Act, shall or may purchase such Station House or Strong Room for such Sum of Money as may be determined by such Justices, and hold the same for and on behalf of the County or Riding for the Purposes of this Act, and pay the Purchase Monies for the same out of the General County Rate for the said County; and where the Cost of erecting such Station House or Strong Room shall at the passing of this Act be chargeable by way of Mortgage either wholly or in part on the Police Rates for such Police District or Division, it shall be lawful for the said Justices to transfer such Charge from the Police Rates leviable in such Police District or Division to and continue such Charge upon the County Rate of the County in which such Police District or Division shall be situate; and the Police Rates of the said Police District or Division shall be thenceforth discharged from all future Payments in respect of the said Station House or Strong Room; and all Mortgages or other Instruments then operating by way of Charge on the said Police Rates in respect of such Station House or Strong Room shall be thereafter deemed to be Charges on the General County Rate of the said County, in the same Manner as if the same had been originally charged on such County Rate, and such Station House or Strong Room shall thenceforth be the Property of the said County for the Purposes of this Act.

3 & 4 Vict. c. 88. and cause the same to be paid for out of the County Rates.

XXIII. For facilitating the Purchase of Lands and Tenements for the Purposes mentioned in Section Twelve of the said Act of the Third and Fourth Years of Her Majesty, the Provisions of "The Lands Clauses Consolidation Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with the said Act of the Third and Fourth Year of Her Majesty and this Act; and the Expression "the Promoters of the Undertaking," in the said Lands Clauses Consolidation Act, shall for the Purposes of such Incorporation mean the Justices of the Peace of any County in General or Quarter Sessions assembled; and the Powers of providing Station Houses and Strong Rooms contained in Sections Twelve and Thirteen of the said Act of the Third and Fourth Years of Her Majesty and this Act shall extend to authorize the providing of such Station Houses and Strong Rooms within any Borough lying within or adjoining to the County for which the same may be provided.

Provisions of 8 & 9 Vict. c. 18. for Purpose of Purchases of Station Houses, &c. by Justices, incorporated with this Act.

Provisions of 7 G. 4. c. 18. as to Disposal of unnecessary Station Houses, &c. extended to this Act.

XXIV. The Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Eighteen. "to authorize the Disposal of unnecessary Prisons in England," shall extend to and include all Station Houses, Lock-up Houses, Strong Rooms, and the Sites thereof, and all other Lands and Tenements whatsoever which may at any Time be vested in the Justices of the Peace of any County, or in any Persons in trust for them, for the Purposes of the Police, and which in the Judgment of such Justices shall for any Reason whatever have become unnecessary.

Powers of 15 & 16 Vict. c. xxxi. to continue in force in the County of Chester until Police shall be established under this Act.

XXV. And whereas in the County of *Chester* a Constabulary Force is now maintained and regulated under "The *Cheshire* Constabulary Act, 1852:" The said *Cheshire* Constabulary Force shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and "The *Cheshire* Constabulary Act, 1852," shall continue in force until a Day to be notified by the Chief Constable to be appointed for the said County of *Chester* by Writing under his Hand to the Justices for the said County in General Quarter Sessions assembled, as that on which he will be ready to take the Charge of the said County, which Notice shall be published within the said County in such Manner as shall seem fit to the said Justices; and upon the Day so named the said *Cheshire* Constabulary Force shall be discontinued, and the Powers and Provisions of "The *Cheshire* Constabulary Act, 1852," shall cease and determine: Provided always, that any Rate authorized by "The *Cheshire* Constabulary Act, 1852," and duly made previously to the Day on which the Chief Constable shall undertake the Charge of the County of *Chester* as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed; and all Sums of Money collected and received and not then applied, and to be collected and received as and for Rates levied under the Powers and Authorities of "The *Cheshire* Constabulary Act, 1852," shall be applied, after defraying all Charges to which the same shall be liable, in and towards Payment of the Police Rates to be levied under this Act and the said Act of the Third and Fourth Years of Her Majesty, upon the respective Townships and Places within the Hundreds or Divisions of Hundreds in the said County of *Chester*, by which Hundreds or Divisions of Hundreds such Sums of Money shall have been respectively contributed, and shall be apportioned as nearly as may be rateably according to the Proportions thereof respectively contributed by such Townships or Places; and the Application of such Moneys by the Clerk of the Peace for the said County of *Chester*, certified and allowed by any Two Justices of the County, shall be binding and conclusive: Provided also, that in case the Rates levied and collected under "The *Cheshire* Constabulary Act, 1852," within any such Hundred

Hundred or Division, shall be insufficient to defray the Charges to which the same shall be liable, the Deficiency shall be paid out of the Rates to be levied within the said County of *Chester* under this Act and the said Act of the Third and Fourth Years of Her Majesty.

If Two Chief Constables appointed in Cheshire, the preceding Section to apply to District of each Chief Constable.

XXVI. Provided further, That in case Two Chief Constables shall be appointed for the said County of *Chester* under Section Four of the said Act of the Second and Third Years of Her Majesty, the last preceding Section of this Act shall be read and construed as applicable to the separate District of each of such Two Chief Constables, and as if the same had been specially enacted with reference to such separate District instead of the whole County.

Provision as to Superannuation Fund under 15 & 16 Vict. c. xxxi.

XXVII The Superannuation Fund formed under "The *Cheshire* Constabulary Act, 1852," shall (after Repayment thereout to such Officers of the said *Cheshire* Constabulary Force who may not be appointed Officers under this Act, and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, of such Sums of Money as shall have been deducted from their respective Salaries or contributed by them respectively to such Superannuation Fund, which Repayments shall be made by the Treasurer of such Fund accordingly,) form Part of the Superannuation Fund to be formed in the said County of *Chester* under the Provisions of the said Act of the Third and Fourth Years of Her Majesty; and any Allowance which the Justices of the said County of *Chester* have, by virtue of the said *Cheshire* Constabulary Act, 1852, ordered to be paid out of the Superannuation Fund under that Act, shall thereafter be paid out of the Superannuation Fund to be formed under the Provisions of the said Act of the Third and Fourth Years of Her Majesty.

As to Superannuations to Police Officers who have served under 15 & 16 Vict. c. xxxi. and appointed under this Act.

XXVIII. The Service of any Officer in the said *Cheshire* Constabulary Force who shall be appointed an Officer under this Act and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, shall be considered an Equivalent to a Service under such Acts, for the Purpose of estimating the Allowance to be paid to any such Officer out of the Superannuation Fund to be formed in the said County of *Chester* under the said Act of the Third and Fourth Years of Her Majesty.

Police Rates in the County of Chester made liable to Annuity paid to the Widow of an

XXIX. An Allowance which the Justices of the said County of *Chester* have, by virtue of "The *Cheshire* Constabulary Act, 1852," ordered to be paid to the Widow of a Constable who died in the Execution of his Duty, out of the Rates to be levied and made on the Hundred of *Wirral* under that Act, shall be paid out of and be chargeable

Officer who died in the Execution of his Duty.

chargeable on the Rates to be levied within the said County of *Chester* by virtue of this Act, and the said Act of the Third and Fourth Years of Her Majesty, or on such One of the said Rates, if such there are, as the Justices of the said County in General Quarter Sessions assembled shall from Time to Time order and direct.

Interpretation of certain Terms.

XXX. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty, except as to the Soke or Liberty of *Peterborough* in the County of *Northampton*, which for all Purposes of this and the several recited Acts shall be deemed and taken to be a County of itself; and the several Provisions in this Act and the said recited Acts shall apply and operate in, for, and concerning the said Soke or Liberty accordingly; and the Word "Borough" shall mean any City, Borough, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, or which has otherwise become subject to the Provisions of the same Act; and every Part of the Cinque Ports, Two ancient Towns of *Winchelsea* and *Rye*, and their several Members and Liberties, which is not within the Municipal Boundaries of a Place named in One of the Schedules (A.) and (B.) to the last-mentioned Act, shall for the Purposes of the said Acts of Her Majesty and this Act be deemed to form Part of the County in which the same is situate, and shall be dealt with, under the said Acts of Her Majesty and this Act, as a Liberty which, under the said Acts of Her Majesty, forms Part of a County, notwithstanding it may be a Member or Liberty of a Place named in One of the said Schedules.

2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88. and this Act to be as One.

XXXI. The said Acts of the Second and Third and of the Third and Fourth Years of Her Majesty and this Act shall be construed together as One Act.

Extent of Act.

XXXII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of *London*.

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and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages solemnized in Coatham Church declared valid.

I. All Marriages heretofore solemnized in the said Church, and the Publication of Banns in such Church previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of *Kirk Leatham.*

Ministers having solemnized Marriages indemnified.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so as aforesaid solemnized the same respectively.

Registers to be Evidence.

III. The Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

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CAP. LXXI.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [29th *July* 1856.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as especially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued and will remain in force until the Thirty-first Day of *July* in the present Year, or if Parliament be then sitting until the End of the then Session of Parliament: And whereas it is expedient that any Act for making, amending, or repairing any Turnpike Road in *Ireland* which will expire on or before the End of the present Session of Parliament should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 Vict. c. 6.

18 & 19 Vict. c. 83.

I. Any Act now in force for making, amending, or repairing any Turnpike Road in *Ireland* which will expire on the Thirty-first Day of

Turnpike Acts (I) which will

expire on or before 31st July 1856 continued.

of *July* One thousand eight hundred and fifty-six, or if Parliament be then sitting at the End of the present Session of Parliament, shall be further continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.

Short Title.

II. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Annual Turnpike Acts (*Ireland*) Continuance Act, 1856."

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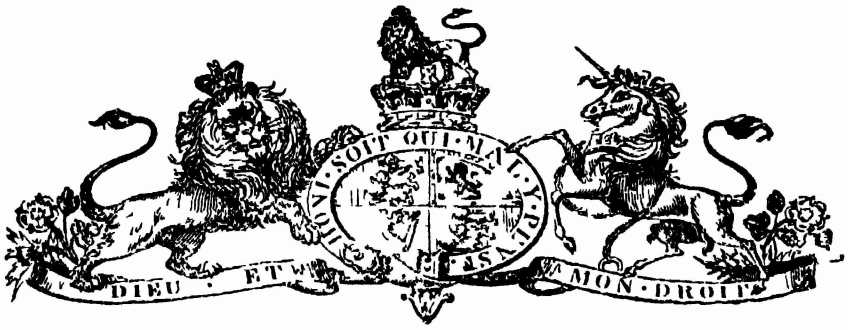

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CAP. LXXIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

[29th *July* 1856.]

WHEREAS divers Persons who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act of the First Year of King *George* the First, Statute Two, Chapter Thirteen; or to have qualified themselves according to an Act of the Thirteenth Year of King *Charles* the Second, Statute Two, Chapter One; or according to an Act of the Twenty-fifth Year of King *Charles* the Second, Chapter Two; or according to an Act of the Thirtieth Year of King *Charles* the Second, Statute Two; or according to an Act of the Eighth Year of King *George* the First, Chapter Six; or according to an Act of the Ninth Year of King *George* the Second, Chapter Twenty-six; or according to an Act of the Eighteenth Year of King *George* the Second, Chapter Twenty; or according to an Act of the Sixth Year of King *George* the Third, Chapter Fifty-three; or according to an Act of the Ninth Year of King *George* the Fourth, Chapter Seventeen; or according to an Act of the Tenth Year of King *George* the Fourth, Chapter Seven, so far only as the said Act relates to any Civil or Military Offices, or Places of Trust, or Places of Profit, or Corporate Offices, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions,

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G 2. c. 26.
18 G. 2. c. 20.
6 G. 3. c. 53.
9 G. 4. c 17.
10 G. 4. c. 7.

be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-seven, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned Acts and every of them; and all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed

in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:*

required by the Irish Act, 2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-seven, or if Parliament be then sitting before the End of the then Session of Parliament.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-seven, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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CAP. LXXIV.

An Act to continue the Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*.

[29th *July* 1856.]

WHEREAS an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*, which Act was limited in Duration to Three Years from the End of the then Session of Parliament, and by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, the firstly herein mentioned Act was amended, and as so amended was continued for Two Years from the End of the then Session of Parliament: And whereas it is expedient further to continue the said firstly-mentioned Act as so amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

14 & 15 Vict. c. 104.

17 & 18 Vict. c. 116.

I. The

Episcopal and Capitular Estates Continuance.

Act continued.

I. The firstly herein mentioned Act, as amended as aforesaid, shall continue in force for One Year from the End of the present Session of Parliament

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CAP. LXXV.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs.

[29th *July* 1856.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next hereafter mentioned, imported into the United Kingdom, shall cease and determine on and after the Sixth Day of *July* One thousand eight hundred and fifty-six: **Free Goods.**

Bichromate of Potash:

Metal of any sort, old, and fit only to be re-manufactured.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into the United Kingdom, the following Duties of Customs shall be charged on and after the said Sixth Day of *July* One thousand eight hundred and fifty-six: **New Duties.**

		£	s.	d.
Beer, Spruce, the Barrel - - -		1	0	0
Musical Instruments; viz., Instruments of Brass, Copper, or of any other Metal, and Parts of such - - -	the lb.	0	0	9
Vinegar - - -	the Gallon	0	0	3

Penalty on Persons cutting adrift Boats belonging to the Customs.

III. Every Person who shall wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other Way injure or conceal, any Boat, Buoy, Rope, or Mark in the Charge of or used by any Person for the Prevention of Smuggling, or in or for the Use of the Service of the Customs, shall for every such Offence forfeit the Sum of Ten Pounds.

Section 22. of 18 & 19 Vict. c. 96. to include Bailiff, &c. in Channel Islands.

IV. The Bailiff or Chief Magistrate of *Guernsey* and *Jersey*, and the Judge and Magistrates of *Alderney*, shall have the same Powers as are by Section Twenty-two of "The Supplemental Customs Consolidation Act, 1855," extended to Jurats of the *Channel Islands*.

Subsistence Allowance to poor Prisoners, and Payment of Gaol Fees in Channel Islands.

V. The Commissioners of Customs may, out of any Money in their Hands voted by Parliament, allow and pay for the necessary Subsistence of any poor Person confined in any Prison in the *Channel Islands*, under or by virtue of any Process for the Recovery of any Duties, Penalties, or Forfeitures under this or any other Act relating to the Customs, such weekly or daily Sum as by the Regulations of the Prison in which such poor Person may be confined is required for the Maintenance of poor Insolvent Debtors, and also such Gaol Fees as are properly payable in respect of any Prisoner or Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs.

Commissioners of Customs may invest certain surplus Monies in their Hands, and apply Proceeds to Payment of Compensations.

VI. Whereas by an Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Ninety, the Commissioners of Her Majesty's Treasury, or any Three or more of them, are empowered to grant to certain Inspectors and Meters of Coals in the City of *Dublin* entitled to certain Fees and Payments a Compensation for the Loss of the same, not exceeding in Amount to any one of them the respective Sums set forth in the Schedule to that Act: And whereas by the said Act the Sum of Fourpence was, with Power from Time to Time to reduce the same, imposed upon every Ton of Coals imported into the Port of *Dublin*, to provide a Fund for Payment of such Compensation, and the same has been reduced to One Halfpenny *per* Ton: And whereas it is expedient to provide for the Disposal of the same and any further surplus Monies arising from such Fund during the Existence of the Persons so entitled to such Compensation: And whereas it is expedient, with a view to the Abolition of the said Tolls at the earliest possible Period, to provide for the Disposal of any Sums now in hand, and any further surplus Monies arising from the Collection of such Tolls, in the Purchase of Government Annuities on the Lives of the Persons entitled to Compensation under the said Act, and apply the same in satisfaction thereof, whereupon the said Tolls may cease: Be it enacted, That the Commis-

Commissioners of Customs out of any such surplus Monies now in their Hands, or which may hereafter from Time to Time come to their Hands by virtue of the said Act, may invest the same in the Purchase of Government Annuities, and pay and apply such Annuities to the Use and Benefit of such Persons as may during their Lives respectively be entitled to receive the Compensation Allowances granted under and by virtue of the said Act.

VII. All Sums, including Justices Clerks Fees, awarded to be paid as Costs to or for Her Majesty by any Justice in respect of any Proceedings for the Recovery of any Duty, Penalty, or Forfeiture under any Act relating to the Customs or to Trade or Navigation, shall be paid over to the Collector of Customs at the Port where any such Proceedings may be instituted, who shall account for the same in such Manner as the Commissioners of Customs may direct.

Costs awarded to be paid to Crown to be received by Collector of Customs.

VIII. There shall be payable to Justices Clerks, in respect of formal Investigations into Wrecks, under the Provisions of "The Merchant Shipping Act, 1854," held at the Instance of the Solicitor for the Customs, by Direction of the Board of Trade, or at the Request of any Officer of Customs or Coast Guard, the several Sums specified in the Table of Fees to this Act annexed.

Fees payable to Justices Clerks for Investigations under "Merchant Shipping Act, 1854."

IX. This Act shall be registered in the Royal Courts of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Act to be registered in the Royal Courts of Guernsey and Jersey.

X. This Act shall be deemed to commence and come into operation from and after the Fifth Day of *July* One thousand eight hundred and fifty-six.

Commencement of Act.

TABLE

TABLE of FEES referred to in the foregoing Act.

		£	s.	d.
Taking Instructions to hold Investigation - - -		0	3	4
Convening Justices - - - - -		0	5	0
Summons (and Duplicate) to Witness - -	each	0	3	0
For Officer or Person employed to serve Summons	each Service	0	2	6
Taking down Examination of Witness in Writing	per Folio	0	0	8
Copy of Evidence (when required) - -	per Folio	0	0	2
Drawing Report to Board of Trade - -	per Folio	0	1	0
Fair Copy - - - - -	per Folio	0	0	4
Attending Justices for their Approval and Signature -		0	3	4
Letter to Board of Trade with Report - - -		0	3	6

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Exemption continued until 1st September 1857.

I. The said Acts shall not, until the First Day of *September* One thousand eight hundred and fifty-seven, extend or be in any Manner applied to the Charities or Institutions aforesaid.

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CAP. LXXVII.

An Act to amend the Law and Practice of the Court of Chancery in *Ireland* in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court. [29th *July* 1856.]

WHEREAS the levying of Charges upon Real Estate through the Medium of Receivers appointed by the Court of Chancery in *Ireland* is productive of Injury and Inconvenience, and is often attended with Expense wholly disproportionate to any Benefits derived therefrom; and it is expedient to diminish the Necessity for appointing Receivers by giving to the Court increased Facilities for the Sale of Real Estate, and that the Court should in all Cases of Applications to appoint Receivers have a Discretion to refuse or postpone the Appointment as herein-after is provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Expression "the Court" when used in this Act shall mean "the Court of Chancery in *Ireland*," and shall include the Chancellor, Master of the Rolls, and each of the Masters in Ordinary acting **Interpretation of Terms.**

acting within their respective Jurisdictions; "Suit" shall include "Cause," "Petition," and "Matter."

Court to have a Discretion in appointing Receivers.

II. When by the Law or Practice of the Court, or by any Act of Parliament, the Court is or shall be empowered to appoint a Receiver over Real Estate for Payment of any Charge thereon, the Court in exercising such Jurisdiction may have Regard to the Amount of the Charge and of the Rental of the Estate, and also to the other Remedies and Securities (if any) possessed by the Person entitled to the Charge, and to the other Circumstances of the Case; and if the Court shall be of opinion that the Appointment of a Receiver is unnecessary or inexpedient, or would not be productive of substantial Benefit to the Person entitled to the Charge, it shall be lawful for the Court to decline or postpone appointing a Receiver, and the Costs of any Application for the Appointment of a Receiver shall be in the Discretion of the Court.

No Receiver to be appointed where Sum due shall not exceed 150*l.*, &c.

III. No Receiver shall be appointed in respect of any Judgment or Judgment Mortgage where the Sum due on Foot of such Judgment shall not exceed One hundred and fifty Pounds, nor where the Rental of the Estate over which the Receiver is sought to be appointed shall not exceed One hundred Pounds *per Annum;* provided, that nothing in this Section contained shall prevent the making of any Order to extend to a Receiver already appointed.

Act not to extend to Appointment of Receivers for Payment of Tithes.

IV. Nothing in this Act contained shall extend to affect the Jurisdiction of the Court to appoint Receivers for the Payment of Tithes or Tithe Rentcharge, but such Receivers shall be appointed by the Court as if this Act had not passed.

Act of Parliament of Ireland 11 & 12 G. 3. c. 10. repealed.

V. The Act of the Parliament of *Ireland* passed in the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering Securities by Mortgage more effectual*, is hereby repealed, save as to any Proceeding in any Court of Justice instituted prior to the passing of this Act, and any such Proceeding may be continued and prosecuted as if this Act had not passed.

Power to Court to direct Sale of Estate at any Stage of Suit.

VI. It shall be lawful for the Court in any Suit pending or to be instituted therein in relation to any Real Estate, if it shall appear to the Court that it will be necessary or expedient that the said Real Estate, or any Part thereof, should be sold for the Purposes of such Suit, to direct the same to be sold at any Time after the Institution of such Suit, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or decretal Order on the Hearing

Hearing of such Suit, or at any other Stage of the Proceedings therein, and shall be carried out according to the Course and Practice of the Court, and according to such general Orders as may from Time to Time be made by the Court for regulating such Sales and securing the Title of the Purchasers thereunder; and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser or such other Person as the Court shall direct.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign. [29th *July* 1856.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in* Ireland, *and for the Protection of Magistrates and Witnesses in Criminal Cases:* And whereas the said Act was amended by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter Eighty-seven: And whereas the Provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-four: And whereas by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Seventy-eight, the said last-recited Act was continued for the further Period of One Year from the First Day of *September* in the Year One thousand eight hundred and forty-four:

50 G. 3. c. 102.

4 G. 4. c. 87.

2 & 3 Vict. c. 74.

7 & 8 Vict. c. 78.

And

8 & 9 Vict. c. 55.

And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifty-five, the said Act of the Second and Third Years of Her present Majesty (subject to an Amendment in the said Act of the Eighth and Ninth Years of Her present Majesty contained) was continued in force for the further Period of Two Years from the First Day of *September* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament: And whereas by an Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Eighty-nine, the said last-mentioned Act was further continued, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, for Two Years from the Thirty-first Day of *August* One thousand eight hundred and forty-eight and until the End of the then next Session of Parliament: And whereas by an Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign the said Act of the Second and Third Years of Her Majesty was further continued, amended as aforesaid, for Five Years from the First of *August* One thousand eight hundred and fifty-one, and thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Act of the Second and Third Years of Her Majesty's Reign should be further continued, amended as aforesaid, save so far as the same is amended by the said Act of the Eighth and Ninth Years of Her Majesty's Reign: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 89.

14 & 15 Vict. c. 48.

Recited Act 8 & 9 Vict. c. 55. repealed.

I. The said recited Act of the Eighth and Ninth Years of Her Majesty, Chapter Fifty-five, is hereby repealed, and the Provisions of the said Act of the Second and Third Years of Her Majesty, repealed by the said Act of the Eighth and Ninth Years of Her Majesty, are hereby revived, save as to anything done before the passing of this Act.

Recited Act of 2 & 3 Vict. to continue in force for a further Period of Five Years, &c.

II. The said recited Act of the Second and Third Years of the Reign of Her present Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, shall be and continue in full Force and Effect from the passing of this Act for the further Period of Five Years and until the End of the then next Session of Parliament.

LONDON:
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ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Effect on existing Sequestrations.

III. All Sequestrations awarded on and after the said Date, or Proceedings occurring on or after the said Date in Sequestrations which have been awarded before it under former Acts, unless it be otherwise herein-after provided, shall, if and so soon as an Interlocutor to that Effect pronounced by the Lord Ordinary shall become final, or if and so soon as an Interlocutor to that Effect shall be pronounced by the Court, be regulated by this Act: Provided always, that until such Interlocutor by the Lord Ordinary shall become final, or until such Interlocutor shall be pronounced by the Court, Proceedings in Sequestrations awarded before the said Date shall be conducted as if the Acts hereby repealed were still in force, and such Proceedings shall thereon be as valid as if the said Acts were unrepealed.

Construction and Meaning of certain Words.

IV. In this Act the Words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session; the Word "Deliverance" shall include any Order, Warrant, Judgment, Decision, Interlocutor, or Decree; the Words "Clerk or Officer of the Court of Session" shall include the Keeper of the Register of Abbreviates of Adjudications; the Word "Accountant" shall mean the Accountant in Bankruptcy appointed under this Act; the Word "Gazette" shall signify the *Edinburgh Gazette;* the Word "Commissioners" shall mean a Majority of the Commissioners elected under the Provisions of this Act; the Words "Property" and "Estate" shall, when not expressly restricted, include every kind of Property, Heritable or Moveable, wherever situated, and all Rights, Powers, and Interests therein capable of legal Alienation, or of being affected by Diligence or attached for Debt; the Word "Moveable" shall include Personal, and the Word "Heritable" shall include Real; the Word "Security" shall include Securities, Heritable or Moveable, and Rights of Lien, Retention, or Preference, and Conveyances thereof and any Part thereof; the Word "Sheriff" shall include Sheriff Substitute, unless the Context indicate the contrary; the Word "Successors" shall include all Persons who have succeeded to any Property which was vested in a Party deceased at the Time of his Death, whether as Heirs, Heirs Apparent, Trustees under voluntary Conveyances, Representatives by Deed or otherwise, Executors, Administrators, or nearest of Kin, or as Assignees, or Legatees, and shall also include Singular Successors where they have acquired the Right; the Word "Vote" shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition, and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge; the Word "Company" shall include Bodies Corporate, Politic, or Collegiate, and Partnerships; the Words "Partner of a Company" shall include the Members of such Bodies; the Words "Debtor," "Bankrupt," and "Creditor" shall apply to Companies as well as Individuals, and shall include Aliens, unless in this, and also in the

the other Cases herein-above specified, a different Construction shall be provided.

V. Periods of Time in this Act shall be reckoned exclusive of the Day from which such Period is directed to run. **Reckoning of Time.**

VI. The Date of a Deed under this Act, or under the Act passed in the Parliament of *Scotland* held in the Year One thousand six hundred and ninety-six, Chapter Five, shall be the Date of recording of the Sasine, where Sasine is requisite, and, in other Cases, of Registration of the Deed, or of Delivery, or of Intimation, or of such other Proceeding as shall in the particular Case be requisite for rendering such Deed completely effectual. **Dates of Deeds.**

Constitution and Effects of Notour Bankruptcy.

VII. Notour Bankruptcy shall be constituted by the following Circumstances: **Notour Bankruptcy of Individuals.**

1st. By Sequestration, or by the issuing of an Adjudication of Bankruptcy in *England* or *Ireland;* or

2d. By Insolvency, concurring either—

(A.) With a duly executed Charge for Payment, followed, where Imprisonment is competent, by Imprisonment or formal and regular Apprehension of the Debtor, or by his Flight or absconding from Diligence, or Retreat to the Sanctuary, or forcible defending of his Person against Diligence, or, where Imprisonment is incompetent or impossible, by Execution of Arrestment of any of the Debtor's Effects not loosed or discharged for Fifteen Days, or by Execution of Poinding of any of his Moveables, or by Decree of Adjudication of any Part of his Heritable Estate for Payment or in Security; or

(B.) With Sale of any Effects belonging to the Debtor under a Poinding, or under a Sequestration for Rent, or with his retiring to the Sanctuary for Twenty-four Hours, or with his making Application for the Benefit of *Cessio bonorum.*

VIII. Notour Bankruptcy of a Company shall be constituted either in any of the foregoing Ways or by any of the Partners being rendered Notour Bankrupt for a Company Debt. **Of a Company.**

IX. Notour Bankruptcy shall be held to commence from the Time when its several Requisites concur, and when it has once been constituted shall continue, in case of a Sequestration, till the Debtor shall obtain his Discharge, and in other Cases until Insolvency cease, without Prejudice to Notour Bankruptcy being anew constituted within such Period. **Commencement of Notour Bankruptcy.**

X. Deeds

Deeds made void by this Act, and Alienations of Property voidable, may be set aside by way of Action, &c.

X. Deeds made void by this Act, and all Alienations of Property by a Party insolvent or Notour Bankrupt, which are voidable by Statute or at Common Law, may be set aside either by way of Action or Exception, and a Decree setting aside the Deed by Exception shall have the like Effect, as to the Party objecting to the Deed, as if such Decree were given in an Action at his Instance.

May be by Trustee.

XI. The Trustee on a sequestrated Estate under this Act shall be entitled to set aside any such Deed or Alienation for behoof of the whole Body of Creditors, and in so doing shall be entitled to the Benefit of any Presumption which would have been competent to any Creditor.

Pari passu Ranking of Diligence.

Arrestments and Poindings.

XII. Arrestments and Poindings which shall have been used within Sixty Days prior to the Constitution of Notour Bankruptcy, or within Four Months thereafter, shall be ranked *pari passu* as if they had all been used of the same Date; provided, that if such Arrestments are used on the Dependence of an Action, or on an illiquid Debt, they be followed up without undue Delay; provided further, that any Creditor judicially producing in a Process relative to the Subject of such Arrestment or Poinding liquid Grounds of Debt or Decree of Payment within such Period shall be entitled to rank as if he had executed an Arrestment or a Poinding; and in case the first or any subsequent Arrester shall, in the meantime, obtain a Decree of Forthcoming and Preference, and thereupon shall recover Payment, or a Poinding Creditor shall carry through a Sale, he shall be accountable for the Sum recovered to those who, by virtue of this Act, may be eventually found to have a Right to a Ranking *pari passu* thereon, and shall be liable to an Action at their Instance for Payment to them proportionally, after allowing out of the Fund the Expense of recovering the same; and if any Arrestments be used for attaching the same Effects after the Period of Four Months subsequent to the Bankruptcy, such Arrestments shall not compete with those used within the said Periods prior or subsequent thereto, but may rank with each other on any Reversion of the Fund attached, according to Law and Practice.

Sequestration, when competent.

Sequestration may be awarded in Cases herein enumerated.

XIII. Sequestration may be awarded of the Estate of any Person in the following Cases:

1st. In the Case of a living Debtor subject to the Jurisdiction of the Supreme Courts of *Scotland*:

A. On his own Petition, with the Concurrence of a Creditor or Creditors, qualified as herein-after mentioned:

B. On

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B. On the Petition of a Creditor or Creditors, qualified as herein-after mentioned, provided the Debtor be Notour Bankrupt, and have within a Year before the Date of the Presentation of the Petition resided or had a Dwelling House or Place of Business in *Scotland;* or otherwise, in the Case of a Company being Notour Bankrupt, as herein-before provided, if it have within such Time carried on Business in *Scotland*, and any Partner have so resided or had a Dwelling House or if the Company have had a Place of Business in *Scotland:*

2d. In the Case of a deceased Debtor who at the Date of his Death was subject to the Jurisdiction of the Supreme Courts of *Scotland:* Sequestration of deceased Debtor.

A. On the Petition of a Mandatory to whom he had granted a Mandate to apply for Sequestration:

B. On the Petition of a Creditor or Creditors qualified as herein-after mentioned.

XIV. Petitions for Sequestration may be at the Instance or with the Concurrence of any One Creditor whose Debt amounts to not less than Fifty Pounds, or of any Two Creditors whose Debts together amount to not less than Seventy Pounds, or any Three or more Creditors whose Debts together amount to not less than One hundred Pounds, whether such Debts are liquid or illiquid, provided they are not contingent. Qualification of Creditors, petitioning or concurring.

XV. Petitions for Sequestration, presented without the Concurrence of the Debtor, he being in Life, shall be competent only within Four Months of the Date of the Debtor's Notour Bankruptcy; and Petitions for Sequestration of the Estates of a deceased Debtor at the Instance of a Creditor may be presented at any Time after the Debtor's Death, but no Sequestration shall be awarded until the Expiration of Six Months from the Debtor's Death, unless he was at the Time of his Death Notour Bankrupt, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded; and in all other Cases falling under this Act a Petition for Sequestration shall be competent at any Time, and Sequestration may follow thereon in manner herein-after directed. Within what Date Petitions may be presented.

Interim Preservation of Estate.

XVI. It shall be competent for the Court to which a Petition for Sequestration is presented, whether Sequestration can forthwith be awarded or not, on special Application by a Creditor, either in such Petition or by a separate Petition, with or without Citation to other Court may take Measures to preserve Estate before Sequestration.

other Parties interested, as the said Court may deem necessary, or without such special Application if the Court think proper, to take immediate Measures for the Preservation of the Estate, either by the Appointment of a Judicial Factor, who shall find such Caution as may be deemed necessary, with the Powers necessary for such Preservation, including the Power to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but if the same have been made or ordered by the Sheriff, they may be recalled by the Court of Session, on Appeal taken, in manner herein-after directed.

After Sequestration Bankrupt's Papers may be sealed up.

XVII. The Sheriff shall have Power, upon Cause shown by any Creditor, or without any Application, if he shall think fit, at any Time after the Sequestration and before the Election of a Trustee, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Trustee is elected and confirmed.

Forum.

Courts for awarding Sequestration.

XVIII. Sequestration may be awarded either by the Court of Session or by the Sheriff of any County in which the Debtor, for the Year preceding the Date of the Petition, has resided or carried on Business; provided, that no Sequestration shall be awarded by any Court after Production of Evidence that a Sequestration has already been awarded in another Court, and is still undischarged.

Later Sequestrations to be remitted to the first in Date.

XIX. When Sequestration has been awarded against a Debtor by the Sheriffs of Two or more Counties, the later Sequestration or Sequestrations shall, on Production of a Certificate by the Sheriff Clerk of the County in which the Sequestration first in Date was awarded, setting forth the Date of such Sequestration, be remitted to the Sheriff of such County; and where all the Sequestrations are of the same Date, any One may be brought by Appeal at any Time before either Division of the Court of Session or Lord Ordinary; and on such Appeal, or when a Sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by One or more Sheriff Courts, the Court of Session or Lord Ordinary shall remit the Sequestration to such Sheriff Court as in the whole Circumstances they or he shall deem expedient; and a Notice of such Remit shall be inserted in the Gazette within Four Days after such Remit shall have been made: Provided always, that in any Case in which the Sheriff has refused to sequestrate, it shall be competent to present a Petition for Sequestration to the Court of Session notwithstanding such Judgment of Refusal.

XX. It

XX. It shall be competent in such Case for each Sheriff awarding Sequestration to take such Measures in the meantime as may be necessary for preserving the Debtor's Estate and Effects within his Jurisdiction, under the Provisions of this Act; but no other Orders given by any Sheriff on or after awarding Sequestration, and no Proceedings of Creditors or others in pursuance thereof, excepting Orders given by the Sheriff before whom the Sequestration comes to depend, shall be of any Force or Effect from and after the Date of such Appeal, or of Sequestration by the Court of Session.

No Proceeding under Order of Sheriff to be effectual after Appeal, except for Preservation of Estate.

Form of Petition, and Productions therewith.

XXI. Petitions for Sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the Petitioner or his Counsel or Agent, and the Division of the Court to which the Sequestration is appropriated shall be marked thereon, and in the Sheriff Court shall be signed by the Petitioner or his Agent, and in either Court, in Petitions at the Instance of the Debtor, but not signed by him, there shall be produced therewith a Mandate authorizing the same, signed by him, or in the Case of a Company signed by a Party entitled to act for the Company; and in all Cases the Petitioning or Concurring Creditor shall produce with such Petition an Oath to the Effect herein-after specified, and also the Account and Vouchers of the Debt as herein-after provided; failing which Production the Petition shall be dismissed.

Form of Petition.

Oath to produced.

XXII. Such Oath, in the Case of a Creditor residing within the Kingdom of *Great Britain* and *Ireland*, shall be taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace, to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons, if any, are, besides the Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified; and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect.

Oath to be to Verity of Debt and Extent of Securities.

XXIII. Such Oath, in the Case of a Creditor who is out of the Kingdom of *Great Britain* and *Ireland*, shall be taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides, (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a *British* Minister or *British* Consul, or by a Notary Public,) or his known Agent or Mandatory in *Great Britain* or *Ireland* shall make an Oath of Credulity in the Manner and to the Effect before provided.

How taken, when Creditor out of Great Britain or Ireland.

XXIV. When

Oath to specify further Particulars in certain Cases.

XXIV. When a Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall, in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in *Scotland* at the Time of his Death, and whether he was then Owner of Estates in *Scotland;* and when the Petition is presented during the Life of the Debtor, without the Consent of the Debtor, the Petitioning Creditor shall in such Oath, in the event of the Debtor's Bankruptcy being founded on his retiring within the Sanctuary, swear that he believes the Debtor to have so retired, as herein-before set forth.

Claims of Companies and Creditors who are Minors or incapable.

XXV. When the Creditor is a Corporation, an Oath of Verity made as aforesaid by the Secretary, Manager, Cashier, Clerk, or other principal Officer of such Corporation shall be sufficient, although the Person making the same be not a Member of such Corporation, or in case of other Companies an Oath by a Partner shall be sufficient; and where any Creditor shall be under Age or incapable to make Oath, an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

Citation on Petition.

When Citation of Parties necessary.

XXVI. When a Petition for Sequestration is presented without the Consent of the Debtor, or for the Sequestration of the Estate of a Debtor who is dead, without the Consent of the Successor, the Lord Ordinary or Sheriff to whom it is presented shall grant Warrant to cite the Debtor, or, if dead, his Successor, to appear within a specified Period, if he be within *Scotland*, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, or the Dwelling House or Place of Business last occupied by him, a Copy of the Petition and Warrant, and if the Debtor or his Successor be furth of *Scotland*, to cite him to appear within a specified Period by leaving such Copy at the Office of Edictal Citations, at the Dwelling House or Place of Business last occupied by him, and, if the Debtor be dead, also at the Dwelling House or Place of Business occupied by him at his Death, to show Cause why Sequestration should not be awarded; and the Lord Ordinary or the Sheriff shall, if desired, grant Diligence to recover Evidence of the Notour Bankruptcy or other Facts necessary to be established.

In Sequestration of a Company.

XXVII. When the Debtor is a Company it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving a Copy

a Copy at the Office of Edictal Citations; and Sequestration may be awarded either on the Application of the Company itself, or on the Application of a Creditor or Creditors to the Amount aforesaid, without the Consent of the Company, of the Estates of the Company and Partners jointly, or of their respective Estates separately.

XXVIII. The Induciæ of Citation, when made personally or at a Dwelling House or Place of Business, shall be not less than Six nor more than Fourteen Days, and when made edictally shall be Twenty-one Days; and the Lord Ordinary or the Sheriff at the same Time shall direct Intimation of the Warrant, and of the Diet of Appearance on such Induciæ, to be made in the Gazette.

Induciæ of Citation.

Procedure on Petition.

XXIX. When a Petition is presented in manner aforesaid to the Lord Ordinary, or to the Sheriff, for Sequestration, the Lord Ordinary or the Sheriff shall forthwith, if the same is presented by or with the Concurrence of the Debtor, or, if dead, of his Successor, or if the Successor shall renounce the Succession, issue a Deliverance by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act, and if the Debtor is dead shall ordain any Successor who has made up a Title to or is in possession of any Part of his Property to convey the same to the Trustee to be appointed as herein-after mentioned.

Sequestration to be forthwith awarded on Petition by Debtor.

XXX. Where the Petition is not by or with the Concurrence of the Debtor, or, if dead, of his Successor, and if the Debtor, or, if dead, his Successor, do not appear at the Diet of Appearance, either in Person or by his Counsel or Agent, and show Cause why the Sequestration cannot be competently awarded, or if the Debtor so appearing do not instantly pay the Debt or Debts in respect of which he was made Bankrupt, or produce written Evidence of the same being paid or satisfied, and also pay or satisfy, or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or to any other Creditor appearing and concurring in the Petition, the Lord Ordinary or Sheriff, on Production of Evidence of the Citation and of the foresaid Requisites for Sequestration, shall award Sequestration in manner and to the Effect before mentioned; and it shall not be competent for any Creditor, after the Date of the First Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication against the Estate of the deceased Debtor.

Sequestration to be awarded after Citation and hearing Parties when Petition not by Debtor.

XXXI. The Deliverance awarding Sequestration shall not be subject to Review; but any Debtor whose Estate has been sequestrated

Recal of Sequestration within Forty Days.

trated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated without their Consent, unless on the Application of a Mandatory authorized by the deceased Debtor, or any Creditor, whether the Sequestration has been awarded by the Lord Ordinary or by the Sheriff, may, within Forty Days after he Date of such Deliverance, present a Petition to the Lord Ordinary, setting forth the Grounds for Recal, and praying for Recal; and when Sequestration has been awarded of the Estate of a deceased Debtor, when his Successor was edictally cited, it shall be competent for his Successor, or any Person having Interest, to apply by Petition as aforesaid at any Time before the Publication of the Advertisement for Payment of the First Dividend herein-after mentioned; and the Lord Ordinary shall, in these several Cases, order a Copy of the Petition for Recal and of his Deliverance to be served on the Parties who petitioned or concurred in the Petition for Sequestration, or on their respective known Agents, and on the Trustee, if appointed, and shall require them to answer within a specified short Time, and order a Notice of the Presentation of the Petition for Recal to be published in the Gazette, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recal the Sequestration, the Recal shall be entered in the Register of Sequestrations, and on the Margin of the Register of Inhibitions.

Recal of Sequestration at a future Time.

XXXII. No Petition for Recal of the Sequestration, excepting as herein-after provided, shall be competent after the Expiration of the said Forty Days, or after the Advertisement for Payment of the First Dividend; provided that Nine Tenths in Number and Value of the Creditors ranked on the Estate as herein directed may at any Time apply for Recal by Petition to the Lord Ordinary, who shall order Notice of his Deliverance to be published in the Gazette, requiring all concerned to appear within Fourteen Days from the Date of Publication to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment.

Proceedings not to be stayed.

XXXIII. Pending any Petition for Recal, and until the Sequestration be finally recalled, the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Sisting of one Party for another.

XXXIV. If a Creditor who has petitioned for Sequestration, or concurred in such Petition, or who has petitioned for Recal of a Sequestration, or appeared to oppose a Petition for Sequestration or Recal, or lodged an Objection, shall withdraw, or become Bankrupt, or die, any other Creditor may be sisted in his Place and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

XXXV. At

XXXV. At the Meeting for the Election of the Trustee, or at any subsequent Meeting to be called for the Purpose, a Majority in Number and Four Fifths in Value of the Creditors present or represented at such Meeting may resolve that the Estate ought to be wound up under a Deed of Arrangement, and that an Application should be presented to the Lord Ordinary or the Sheriff to sist Procedure in the Sequestration for a Period not exceeding Two Months, and on such Resolution being carried it shall not be necessary to elect a Trustee.

Majority of Creditors may resolve that Estate be wound up.

XXXVI. It shall be lawful for the Bankrupt, or any Person appointed by the Meeting, to report such Resolution to the Lord Ordinary or the Sheriff, within Four Days of the Date of such Resolution, and to apply for a Sist of the Sequestration in Terms thereof; and the Lord Ordinary or the Sheriff may hear any Party having Interest, and if he shall find that such Resolution was duly carried, and that the Application is reasonable, may grant the same.

Bankrupt to report Resolution to the Lord Ordinary.

XXXVII. In the event of such Application being granted, the Lord Ordinary or the Sheriff may, on the Application of any Creditor, make such Arrangement for the interim Management of the Estate as he shall think reasonable, if any shall appear to be necessary.

Lord Ordinary to make Arrangement for interim Management of Estate.

XXXVIII. If the Sequestration shall be sisted, the Creditors may, at any Time within the Period of such Sist, produce to the Lord Ordinary or the Sheriff a Deed of Arrangement, subscribed by or by Authority of Four Fifths in Number and Value of the Creditors of the Bankrupt; and the Lord Ordinary or the Sheriff may consider the same, and make such Intimation thereof as he may think proper, and hear Parties having Interest, and make any Inquiry he may think necessary; and if he shall be satisfied that such Deed of Arrangement has been duly entered into and executed and is reasonable, he shall approve thereof, and declare the Sequestration at an end; and such Deed shall thereafter be as binding on all the Creditors as if they had all acceded thereto: Provided always, that the Sequestration shall receive full Effect in so far as may be necessary for the Purpose of preventing, challenging, or setting aside Preferences over the Estate.

If Sequestration be sisted, Creditors may produce to the Lord Ordinary a Deed of Arrangement.

XXXIX. If such Resolution shall not be duly reported, or if a Sist be refused, or if such Deed of Arrangement shall not be duly produced, or if it shall not be approved of, the Sequestration shall proceed, and the Period of Time subsequent to such Resolution shall not be reckoned in calculating Periods of Time prescribed in this Act; and the Lord Ordinary or the Sheriff may make all necessary Orders, by appointing Meetings of Creditors and otherwise, for resuming the necessary Procedure in the Sequestration.

If Resolution not reported, the Sequestration to proceed.

XL. If

If Sequestration declared at an end, Judgment to be recorded.

XL. If the Sequestration be declared at an end, the Judgment declaring the same shall be recorded in the same Manner as if the Sequestration had been recalled as herein-before provided.

Payment of Expenses of petitioning or concurring Creditor.

XLI. The Petitioning or Concurring Creditor shall be entitled to Payment by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands, of the Expenses incurred by such Creditor in obtaining the Sequestration and doing the other Acts hereby required prior to the Election of the Trustee, as the same shall be taxed.

Commencement of Sequestration.

XLII. In all Questions under this Act or preceding Acts regarding Sequestration of the Estates of Debtors, the Sequestration shall be held to commence and take effect on and from the Date of the First Deliverance on any Petition for Sequestration, which shall be held to be the Date of the Sequestration, although the Sequestration be not actually awarded until a later Date.

Clerks to Sequestration.

Sequestration not to fall asleep.

XLIII. In Sequestrations awarded in the Court of Session and remitted to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and the Clerks of the Bill Chamber shall be Clerks to such Sequestrations; and the Sheriff Clerk of any County shall be Clerk to the Sequestrations awarded by the Sheriff of that County; and no Process of Sequestration, either in the Court of Session or Sheriff Court, shall fall asleep, or shall be liable to be dismissed under the Fifteenth Section of the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty; and on a Remit of a Sequestration awarded in the Court of Session being made to the Sheriff, a Copy of the Petition for Sequestration and of the First Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber or Sheriff Clerk, shall, with the Productions, be transmitted by the Petitioner to the Sheriff Clerk of the County to the Sheriff of which the Sequestration is remitted; and in all Sequestrations the Sheriff Clerk and Messengers-at-Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act.

Protection or Liberation of Debtor.

Warrant of Protection may be granted to the Debtor.

XLIV. The Lord Ordinary or Sheriff, when awarding Sequestration, may grant to the Debtor or Partners of the Company against whom or which it is awarded a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee, or he may refuse to grant such Warrant of Protection; and every such Warrant of Protection which shall not be advertised in the *London* and *Edinburgh* Gazettes within One Week after the Date of awarding such Sequestration, shall be ineffectual and incapable

incapable of being pleaded in bar of personal Diligence; but, notwithstanding that the Lord Ordinary or Sheriff may have refused to grant Interim Warrant of Protection as aforesaid, it shall be competent to the Creditors on the Occasion of the Meeting to elect a Trustee, or at the Meeting after the Examination of the Bankrupt, or at any subsequent Meeting, to resolve that personal Protection ought to be granted to the Bankrupt for such Time as they may think fit, and the Trustee shall thereupon apply to the Sheriff, who shall grant the Protection.

Warrant to liberate the Debtor.

XLV. The Lord Ordinary or the Sheriff by whom Sequestration was awarded may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor, if in Prison, after such Intimation to the incarcerating Creditor or his known Agent as the Lord Ordinary or the Sheriff may deem just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the Debtor to make a new Application for Liberation, with Consent of the Trustee and Commissioners, and, on Intimation and hearing Objections as aforesaid, the Lord Ordinary or the Sheriff may grant Warrant to liberate; and in any Case the Lord Ordinary or the Sheriff may annex such Conditions of Caution or otherwise to such Warrant as he may judge proper.

Sheriff's Judgment subject to Appeal.

XLVI. The Judgment of the Sheriff granting or refusing Liberation shall be subject to Review by a Note of Appeal to either Division of the Court of Session, or, during Vacation, to the Lord Ordinary, which Appeal shall be heard summarily, and the Judgment pronounced thereon shall be final.

Effect of Warrant of Protection or Liberation.

XLVII. The Warrant granting Protection or Liberation, or a Copy thereof, certified by One of the Bill Chamber Clerks if it is granted by the Lord Ordinary, or by the Sheriff Clerk if it is granted by the Sheriff, shall protect or liberate the Debtor from Arrest or Imprisonment in *Great Britain* and *Ireland* and Her Majesty's other Dominions, for Civil Debt contracted previous to the Date of Sequestration, and all Courts of Justice and Judges and all Officers and Gaolers shall be bound to give Effect to such Warrant; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Apprehension or Imprisonment in meditatione fugæ or ad factum præstandum, or for any criminal Act.

Registration of Sequestrations.

Recording Abbreviate of Sequestration.

XLVIII. The Party applying for Sequestration shall present, before the Expiration of the Second lawful Day after the First Deliverance if given by the Lord Ordinary, or present or transmit by Post before the

Expiration of the Second lawful Day after the said Deliverance if given by the Sheriff, an Abbreviate of the Petition and Deliverance, signed by him or his Agent, in the Form of Schedule (A. No. 1.) hereunto annexed, to the Keeper of the Register of Inhibitions at *Edinburgh*, who shall forthwith record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Abbreviate in the Form also specified in the said Schedule (A. No. 2.), and shall, on the Request of the Party transmitting such Abbreviate, and on Payment by him of the Fees of such Registration, and of the Postage, re-transmit the said Abbreviate by Post to the said Party; and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition or Citation as aforesaid, and the Party applying for Sequestration shall, within Four Days from the Date of the Deliverance awarding the Sequestration (if awarded in the Court of Session), or, if it is awarded by the Sheriff, within Four Days after a Copy of the said Deliverance could be received in course of Post in *Edinburgh*, insert a Notice in the Form of Schedule (B.) hereunto annexed in the Gazette, and also One Notice in the same Terms within Six Days from the Date in the *London Gazette*.

Ranking of Claims.

1st. General Rules as to Voting and Ranking for Payment of Dividends.

Creditor claiming must produce Oath.

XLIX. To entitle a Creditor to vote or draw a Dividend he shall be bound to produce at the Meeting, or in the Hands of the Trustee, an Oath to the Effect and taken in manner herein-before appointed in the Case of Creditors petitioning for Sequestration, and the Account and Vouchers necessary to prove the Debt referred to in such Oaths.

Oath in Cases where Accounts and Vouchers are not in Creditor's Possession.

L. If the Creditor be not in possession of such Accounts and Vouchers previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state, in his Oath, the Cause of the said Accounts and Vouchers not being produced, and in whose Hands, to the best of his Knowledge, the same are; which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production thereof, or for otherwise establishing his Debt according to Law; but he shall not be entitled to act or vote till such Production be made, or the Debt established as aforesaid; and the Trustee shall, on Production of the Oaths and Grounds

Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and, if required, he shall return to the Creditor the Grounds of Debt.

Provision for Correction of Oath.

LI. When it shall appear to the Sheriff or to the Trustee that the Oath or Claim of any Person produced with a view to voting or ranking, and drawing a Dividend on the Sequestration, is not framed in the Manner required by this Act, the Sheriff or Trustee, as the Case may be, shall call upon such Person, or his Agent or Mandatory, to rectify his Oath and Claim, pointing out to him wherein it is defective; and unless such Person or his Agent or Mandatory shall thereupon make such Alteration upon his Oath and Claim as may be necessary in order to rectify the same, the Sheriff or Trustee, as the Case may be, shall disallow or reject such Oath and Claim: Provided always, that when the Failure to comply with the Provisions of this Act shall appear to have been made for some improper or fraudulent Purposes, or where Injury can be qualified by the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Sheriff or Trustee to give such Person an Opportunity to rectify his Oath and Claim as aforesaid.

Creditors may vote and rank for Principal and Interest to Date of Sequestration only.

LII. A Creditor who has a Claim or a Debt due shall be entitled to vote and rank for the accumulated Sum of Principal and Interest to the Date of the Sequestration, but not for any Interest accruing after the Date of the Sequestration, and if the Debt is not payable till after the Date of the Sequestration, he shall be entitled to vote and rank for it only after Deduction of the Interest from that Date, and he shall also be liable to Deduction of any Discount beyond legal Interest to which his Claim is liable by the Usage of Trade applicable to it, but he shall not be bound to specify separately in his Oath or Claim for his Debt the Amount of any Interest due thereon or of any Interest or Discount deducted therefrom, or to specify therein any accumulated Sum of Principal and Interest, and if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

Valuation of Claim depending on a Contingency.

LIII. When the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or, if elected, to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon as at the Date of such Valuation; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in

in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued, such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and when such Application is made to the Sheriff or Trustee, Notice thereof shall be given to the Bankrupt and Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Valuation of Claim on Annuity.

LIV. No Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote and draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or, if elected, to the Trustee, to put a Value on such Annuity; and the Sheriff or Trustee, as the Case may be, shall put a Value on the Annuity, regard being had to the original Price given for the Annuity, deducting therefrom such Diminution in the Value of the Annuity as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided always, that when such Application is made to the Sheriff, Notice thereof shall be given to the Bankrupt and the Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Creditor not to sue Cautioner after the Date of Sequestration.

LV. When any Person is bound as Cautioner for Payment of such Annuity, it shall not be lawful for the Creditor therein to sue or charge such Cautioner after the Date of the Sequestration, except for the Value fixed as aforesaid, and the Arrears of Annuity and Interest thereon; and on such Cautioner making Payment of such Value and Arrears to the Creditor, and the lawful Interest thereon, he shall be discharged of all Liability for such Annuity, and he may thereupon enter a Claim in the Sequestration for the Sum so paid, and vote and draw Dividends thereon; provided that if such Cautioner shall not pay the Sum so fixed, and Arrears and Interest as aforesaid, before any Payment of the Annuity subsequent to the fixing thereof becomes due, he shall be bound to make Payment of the said Annuity, and all subsequent Annuities, until he shall make Payment of the Sum so fixed, Arrears of Annuity and Interest as aforesaid, deducting always such Dividends as the Creditor shall have received before full Payment as aforesaid.

Obligant not freed from Liability for

LVI. When a Creditor has an Obligant bound to him along with the Bankrupt for the whole or Part of the Debt, such Obligant shall not

not be freed from his Liability for such Debt in respect of any Vote given or Dividend drawn by the Creditor, or of his assenting to the Discharge of the Bankrupt, or to any Composition; but such Obligant may require and obtain, at his own Expense, from such Creditor, an Assignation to the Debt, on Payment of the Amount thereof, and in virtue thereof enter a Claim on the said Estate, and vote and draw Dividends, if otherwise legally entitled to do so.

Debt, in respect of any Vote given or Dividend drawn by the Creditor.

LVII. No Person shall, by merely lodging an Oath and Claim, or being ranked or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration as a Creditor, be liable for any Claim by the Agent or other Person employed by the Trustee for Money advanced, or Expense incurred, or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate and from the Trustee by whom he may have been employed, in so far as the same may be competent to him; and no Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Liability of Creditors for Expenses.

LVIII. In no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence, when required, in any Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

Oaths not to supersede other Evidence.

2d. Special Rules as to Voting.

LIX. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends be sold, he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in any Case to vote in respect of the Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the full Amount of his Debt, without making any such Deduction.

Valuation of Securities for voting.

LX. When a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obliga-

Valuation of Obligations of Co-Obligants with Bankrupt.

tion of such Obligant, and on such Security, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Claims against a Company and Partners.

LXI. A Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

LXII. It shall be competent to the Trustee, with Consent of the Commissioners, within Two Months after an Oath, specifying the Value of a Security, or Obligation, or Claim in the several Cases before mentioned, has been made use of in voting at any Meeting or in assenting to or dissenting from the Bankrupt's Composition or Discharge, and it shall also be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignation in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with Twenty *per Centum* in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignation, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid, correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Creditor may correct Valuation by new Oath.

Mandatories for Creditors may vote.

LXIII. The Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Persons acquiring Debts after Sequestration not to vote.

LXIV. Any Person who shall acquire after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her shall not be entitled to vote in the Election of Trustee or Commissioners, but in all other respects such Person may be ranked as a Creditor.

3d. Special Rules as to Ranking for Payment of Dividends.

LXV. To entitle any Creditor who holds a Security over any Part of the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignation of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the first of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Securities with a view to a Dividend.

LXVI. When a Creditor claims on the Estate of the Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditor, put a Valuation on the Estate of the Company, and deduct from the Claim of such Creditor such estimated Value, and rank and pay to him a Dividend only on the Balance.

Value of Claim against a Company to be deducted from Claim against Partners.

Election and Removal or Resignation of Trustee.

LXVII. The Lord Ordinary or the Sheriff, by the Deliverance which awards the Sequestration, shall appoint a Meeting of the Creditors, to be held at a specified Hour, on a specified Day, being not earlier than Six nor later than Twelve Days from the Date of the Gazette Notice of Sequestration having been awarded, at a convenient Place within the County of the Sheriff awarding Sequestration, or to whom the Sequestration is remitted, to elect a Trustee or Trustees in Succession, and do the other Acts herein-after provided.

Appointment of Meeting to elect a Trustee.

LXVIII. Creditors or their Mandatories, qualified as aforesaid, shall assemble at the Time and Place fixed for the Election of Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournment do not postpone the Meeting for the Election of Trustee beyond the Limit of the Period within which that Meeting is by this Act appointed to be held; and if Two or more Creditors shall give Notice to the Sheriff of the County, such Sheriff shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Depute shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or of the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants,

Procedure at Meeting for Election of Trustee.

Claimants, subject to the Exhibition thereof in his Hands, till the Election shall be determined, when he shall deliver the same to the Trustee; and when the Sheriff is not present the Creditors shall elect a Preses and (if the Sheriff Clerk or a Depute be not present) a Clerk; and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes; and the Clerk shall, in the Presence of the Meeting, write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting which the Preses shall judge fit, which Minutes the Preses shall sign; and the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Trustee, or Two or more Trustees, to act in succession, in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Trustee for all the Estates, or separate Trustees on the Estates of the Company and on the Estates of all or each of the individual Partners or Trustees in succession as aforesaid; and it shall not be lawful to elect as Trustee the Bankrupt, or any Person conjunct or confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

Judgment of Sheriff as to Trustee.

LXIX. If the Sheriff be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objections to the Candidate or Candidates, such Objections to the Votes or Candidates shall be stated at the Meeting, and the Sheriff may either forthwith decide thereon, or make Avizandum and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within Four Days after the Meeting, hear Parties *vivâ voce*, and declare the Person or Persons Trustee or Trustees in succession whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as such short Note, shall form Part of the Process.

When Sheriff not present.

LXX. When the Preses has been elected by the Creditors, such Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff; and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession, or, if he be not present, shall be transmitted to

to the Sheriff Clerk by the Preses, to be retained by him till the Trustee shall be finally appointed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the Sheriff shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within Four Days from the Date of the said Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff shall forthwith hear Parties thereon *vivâ voce*, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as such short Notes, shall form Part of the Process.

Judgment of Sheriff as to Trustee final.

LXXI. The Judgment of the Sheriff declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall be final, and in no Case subject to Review in any Court or in any Manner whatever.

Caution to be found by Trustee.

LXXII. The Creditors shall at the Meeting for Election of a Trustee fix a Sum for which the Trustee shall find Security for his Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered; and the Person declared to be Trustee shall forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Trustee and his Cautioner, in the Form of the Schedule (C.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk: Provided, that nothing herein-before contained shall be held or construed to prevent the Creditors accepting the Bond of a Guarantee Society in lieu of the Bond of Caution aforesaid.

Act and Warrant in favour of Trustee.

LXXIII. On the Decision of the Sheriff being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Cautioner being duly lodged as aforesaid, the Sheriff shall confirm his Election as Trustee, which Confirmation shall be final, and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (D.) hereunto annexed to the Trustee, and the Trustee shall immediately transmit a Copy of such Act and Warrant to the Accountant, who shall make an Entry of the Name and Designation of the Trustee in the Register of Sequestrations, and such Act and Warrant shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the sequestrated Estate, for the Purposes of this Act; and a Copy of such Act and Warrant in favour of the Trustee, purporting to be certified by the Sheriff Clerk, and to be authenticated by One of the Judges of the Court of Session, shall be received in all Courts and Places within *England*, *Ireland*, and Her Majesty's other Dominions as *primâ facie*

To be a complete Title to him.

Evidence of the Title of the Trustee, without Proof of the Authenticity of the Signatures or of the official Character of the Persons signing, and shall entitle the Trustee to recover any Property belonging or Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estate had not been sequestrated.

Removal or Resignation of Trustee.

LXXIV. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose, may remove the Trustee, or accept of his Resignation; and One Fourth of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order such Petition to be served on the Trustee, and intimated in the Gazette; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months furth of *Scotland*, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the Gazette by the Commissioner or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee; and when the Estate is devolved on such Trustee the Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him, and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as in the first Election of a Trustee; and in all Cases of a new Election of a Trustee the Procedure shall take place in the like Manner as is herein-before provided in the Case of the First Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs or Representatives.

Election of a new Trustee.

Election and Removal of Commissioners.

Election of Commissioners.

LXXV. At the Meeting for Election of a Trustee the Creditors present or their Mandatories shall, after the Election of the Trustee, elect Three Commissioners (if there be so many Creditors who have claimed), who shall be either Creditors or Mandatories of Creditors, and the like Proceedings shall take place in regard to their Election

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as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security); and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which Decision shall be final, and shall entitle them to act without further Confirmation, and a Majority of them shall be a Quorum: Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee; and any Mandatory who has been elected a Commissioner shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book; and the Trustee shall, in all Cases where a Commissioner has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner herein-before provided.

Removal of Commissioners.

LXXVI. A Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove a Commissioner, and may elect another in his Place, in manner before directed.

Protection and Allowance to Bankrupt.

Protection to Bankrupt.

LXXVII. At the Meeting for the Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, the Majority in Number and Value of the Creditors present may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew the Protection, and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LXXVIII. At the Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, Four Fifths in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company, (if the Sequestration be of a Company Estate,) of such Sum out of the Estate as they shall think proper for Sustenance, until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed Three Pounds Three Shillings *per* Week to the Bankrupt, or to each individual Partner of a Company, from the Date of Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act: Provided always, that if it shall at any Time be the Opinion of a Majority of the Creditors present at a regular Meeting that it is for the Interest of the Estate that a special

special Allowance should be further made to the Bankrupt, and if the Accountant in Bankruptcy shall report in its Favour, it shall be competent for the Lord Ordinary or the Court, on Application by the Trustee, with the said Concurrence of Creditors, and Report by the Accountant, to award such Allowance, which shall then be payable out of the Estate.

Duties of Trustee and Commissioners.

Record of Abbreviate of his Confirmation.

LXXIX. The Trustee, within Twenty-one Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (E. No. 1.), hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form specified in the said Schedule (E. No. 2); and the like Proceeding shall take place within Twenty-one Days after the Election of each new Trustee shall be confirmed.

Trustee to take possession of Estate and Books, and make up Inventory.

LXXX. The Trustee shall, as soon as may be after his Appointment, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, and also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Accountant.

Bankrupt to make up State of his Affairs;

LXXXI. The Bankrupt shall make up, and at the Meeting appointed for the Election of a Trustee deliver to the Clerk of such Meeting, a State of his Affairs, specifying his whole Property, wherever situated, the Property in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Property, which State and Rental shall be subscribed by the Bankrupt, and shall then be delivered to the Trustee, and the same shall be engrossed in a Sederunt Book to be kept by the Trustee; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Trustee to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery or Disposal of his Estate, the Trustee may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deeds, under the Penalty of Imprisonment and of Forfeiture of the Benefit of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Imprisonment accordingly.

and to give Information and grant Deeds.

Trustee to recover Funds.

LXXXII. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same

same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given, he shall do so with the Advice of the Commissioners; and he shall lodge all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* (provided that the Bank be not One in which the Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured for the same; and such Bank shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

Penalty on Trustee retaining Funds.

LXXXIII. If the Trustee shall keep in his Hands any Sum exceeding Fifty Pounds belonging to the Estate for more than Ten Days, he shall pay Interest to the Creditors at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of such Sum above Fifty Pounds for such Time as the same shall be in his Hands beyond Ten Days; and unless the Money has been so kept from innocent Causes, the Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary or Sheriff by any Creditor, and have no Claim to Remuneration, and shall be liable in Expenses.

Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant.

LXXXIV. The Trustee shall keep a Sederunt Book, in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Accountant in Bankruptcy, before each of the Periods herein assigned for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Accountant; and the Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors or their Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners.

Duties of Commissioners.

LXXXV. The Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend,

 and

and may assemble at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Judicial Factor, Trustee, and Commissioners amenable to Lord Ordinary and Sheriff.

LXXXVI. The Judicial Factor, the Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the Sheriff, although resident beyond the Territory of the Sheriff, at the Instance of any Party interested, to account for their Intromissions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expenses, to be either retained out of the Funds, or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

Examination of Bankrupt.

Sheriff to name a Day for Bankrupt's Examination.

LXXXVII. The Trustee shall, within Eight Days after the Date of the Act and Warrant confirming him, apply to the Sheriff to name a Day for the public Examination of the Bankrupt, and the Sheriff shall issue his Warrant for the Bankrupt to attend for such Examination within the Sheriff Court House on a specified Day and at a specified Hour, being not sooner than Seven Days nor later than Fourteen Days from the Date of the Sheriff's Warrant; and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement, in Terms of Schedule (F.) hereunto annexed, in the Gazette, and send by Post or otherwise special Notice to every Creditor who has lodged a Claim, or who may be named in the Bankrupt's State of Affairs, intimating his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed for the Examination of the Bankrupt, and also a specified Day, being not sooner than Seven Days nor later than Fourteen Days after the Day appointed for the Examination of the Bankrupt, and in the Sequestration of the Estates of a deceased Debtor a Meeting of Creditors shall be called by the Trustee by public Advertisement and Notice to each Creditor, to be held not later than Fourteen Days after the Date of such Advertisement, and also the Hour and Place for holding a Second Meeting of the Creditors, and shall also in the same Notice intimate the Period within which Claims should be lodged.

Sheriff may grant Warrant to bring Bankrupt for Examination.

LXXXVIII. It shall be competent for the Sheriff to grant a Warrant to apprehend the Bankrupt, and bring him before the Sheriff for Examination; and if the Bankrupt be imprisoned for a Debt or other Civil Obligation within *Scotland*, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly;

ingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary, which Warrant shall protect him against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the Sheriff in *Scotland*, to Messengers-at-Arms, and to the Officers of the Sheriff, to apprehend, transmit, detain, and imprison, and to Gaolers to deliver up, receive, and detain, the Bankrupt, until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-imprisonment therein; and if the Bankrupt cannot be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he see Cause, adjourn the Examination of the Bankrupt to an early Day, to be then fixed; and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit.

Apprehension and Transmission of the Bankrupt when out of Scotland.

LXXXIX. If the Bankrupt be in any Part of *Great Britain* and *Ireland* other than *Scotland*, the Lord Ordinary may, on Petition by the Trustee, grant Warrant to all Judges, Magistrates, Justices of the Peace, and Officers of the Law, to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody, the Lord Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Imprisonment of the Bankrupt (when necessary for his safe Custody), and for his Re-transmission after Examination to and Re-imprisonment in the Prison or Custody from which he was delivered up.

Examination of Bankrupt's Wife and others.

XC. The Sheriff may, at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others, who can give Information relative to his Estate, on Oath, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear, when duly summoned, the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that when such Person is not the Bankrupt, nor his Wife, nor One of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be

be issued until the Expiration of Eight Days from the Service of the First Warrant, unless the Trustee shall, on Oath, specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers-at-Arms, or the Officers of the Sheriff, to execute the same, either within or without the Territory of the Sheriff in *Scotland* as aforesaid; and if any Person liable to be examined cannot attend, the Sheriff may grant Commission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if it shall seem fit, to an early Day, to be then fixed: Provided that Persons, other than the Bankrupt, summoned to attend for Examination shall be entitled to such Allowances as Witnesses are in other Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and others must answer lawful Questions, and produce Documents.

XCI. The Bankrupt and such other Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee.

Mode of Examination.

XCII. The Examination of the Bankrupt, and of such other Persons, shall be taken upon Oath, and shall, except in the Cases already specified, wherein a Commission is allowed to be granted, take place before the Sheriff, and the Bankrupt's Examination shall be taken and may be written or dictated by the Sheriff, and authenticated in the ordinary Way as a regular Deposition; but Notes of the Evidence of such other Persons shall be written by the Sheriff in the Mode prescribed by the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty, with regard to Proofs in Civil Cases in the Sheriff Courts, except where it shall appear to him necessary to record and authenticate such Evidence, in whole or in part, in the Form of a regular Deposition, and if the Trustee shall make an Application to that Effect the Bankrupt and such other Persons shall be examined in open Court.

Penalty on Refusal to answer, &c.

XCIII. If the Bankrupt or any of such other Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order, which Warrant shall specify the Question and

and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person imprisoned may apply by written Petition (without Argument) to the Lord Ordinary for a Recal of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the Creditor and shall thereafter hear Parties *vivâ voce*, and pronounce Judgment.

Penalty on latent Partner of Bankrupt Company not coming forward.

XCIV. If any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he shall satisfy the Lord Ordinary or the Sheriff that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying as far as possible the Loss and Inconvenience thence arising.

Bankrupt may correct his State, and then must take Oath inserted in this Act.

XCV. The Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to such State; and when the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case:

Oath.

'I DO, in the Presence of Almighty God, and as I shall answer to
' God at the great Day of Judgment, solemnly swear, That the
' State of my Affairs subscribed by me as relative hereto contains
' a full and true Account, to the best of my Knowledge and Belief, of
' all the Debts, of whatever Nature, due to me, and of all my Estate
' and Effects, Heritable and Moveable, Real and Personal, wherever
' situated (the necessary Wearing Apparel of myself, my Wife and
' Family, only excepted), as well as of all Claims which I am entitled
' to make against any Person or Persons whatsoever, and of all Estate
' in expectancy, or Means, of whatever kind, to which I have an
' eventual Right by Contract of Marriage, Trust Deed, Settlement,
' Deed of Entail, or otherwise; and that the said State likewise contains
' a full and true Account of all Debts due by me or Demands upon
' me; and that I have delivered up the whole Books, Documents,
' Accounts, Title Deeds, and Papers of every kind belonging to me
' which in any way relate to my Affairs, and which were or are in my

'Possession or under my Power; and that I have made a full Disclosure of every Particular relating to my Affairs: And further, I promise and swear, That I will forthwith reveal all and every other Circumstance or Particular relative to my Affairs which may hereafter come to my Knowledge, and which may tend to increase or diminish the Estate in which my Creditors may be interested, directly or indirectly.'

Powers of Second and subsequent Meetings of Creditors.

Report by Trustee after Bankrupt's Examination.

XCVI. Prior to the Meeting of Creditors after the Examination of the Bankrupt, or in the Case of a deceased Debtor prior to the First Meeting after the Election of the Trustee, the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate may produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive an Offer of Composition, as herein-after provided, and may, either at this or any other Meeting, give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or other Heritable Property, it shall be optional to the Creditors to determine whether the Trustee is to bring such Property to Judicial Sale, or to dispose thereof by voluntary Public Sale, or by Private Sale, as herein-after provided.

Powers of Creditors over Estate.

Proceedings if Bankrupt do not make a fair Surrender.

XCVII. If it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt, that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may authorize the Trustee to proceed against him in Terms of Law, at the Expense of the Estate.

Calling of and Procedure at Meetings.

When Meetings to be called.

XCVIII. The Trustee, or any Commissioner with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by One Fourth in Value of the Creditors ranked on the Estate, or by the Accountant.

Notice of Meetings.

XCIX. Notice of the Day, Hour, Place, and Purpose of all Meetings of Creditors under this Act shall be advertised in the Gazette Seven Days at least before the Day of the Meeting, and such Meeting may be adjourned to the following Day.

No Notice to be sent in certain Cases.

C. It shall not in any Case be necessary to send any Notification of the Day or Place of Meetings by Post to any Creditor whose Debt shall be under Twenty Pounds, unless such Creditor shall have given

given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

CI. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for; and when, for the Purpose of voting, the Creditors are required to be counted in Number, no Creditor whose Debt is under Twenty Pounds shall be reckoned in Number, but his Debt shall be computed in Value. **Rules as to computing Majorities.**

Extent of Trustee's Right.

CII. The Act and Warrant of Confirmation in favour of the Trustee, shall *ipso jure* transfer to and vest in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably, as at the Date of the Sequestration, with all Right, Title, and Interest, the whole Property of the Debtor, to the Effect following: **Vesting of Estate in Trustee.**

1st. The Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, to the same Effect as if actual Delivery or Possession had been obtained, or Intimation made at that Date, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible: **Vesting of Moveable Estate.**

2d. The whole Heritable Estate belonging to the Bankrupt in Scotland, to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poinding of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors' Right to poind the Ground, as herein-after provided; and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and Vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestrated Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their favour as complete Diligence); and if any Part of the Bankrupt's Estate be held under an Entail or by a Title otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey, or the Creditors attach: **Vesting of Heritable Estate in Scotland.**

3d. All

Vesting of Real Estates in England, Ireland, and other British Dominions.

3d. All Real Estate situated in *England*, *Ireland*, or in any of Her Majesty's Dominions, belonging to the Bankrupt, and all Interest in or regarding such Real Estate, which the Bankrupt held, or to which he was entitled: Provided always, that as regards all Freehold, Copyhold, and Leasehold Estate in *England*, *Ireland*, or any of Her Majesty's Dominions (except *Scotland*), the Act and Warrant of Confirmation shall be registered in the Chief Court of Bankruptcy for the Country in which the Property is situated, in the like Manner as an Adjudication of Bankruptcy or other similar Process ought to be registered according to the Law of that Country, either in a separate Book, or in the General Book, as the Court of Bankruptcy shall order, to the Intent that all Persons concerned may have the same Means of ascertaining whether any Person has been adjudged a Bankrupt according to the Law of *Scotland* as they have or shall have of ascertaining whether any Person has been adjudged a Bankrupt according to the Law for the Time being of the Country in which the Property is situated; and no Purchaser for valuable Consideration of any Freehold, Copyhold, or Leasehold Estate (except in *Scotland*) shall be affected by any such Bankruptcy until the Act and Warrant of Confirmation shall have been so registered as aforesaid: Provided also, that where, according to the Laws of *England*, *Ireland*, or other Her Majesty's Dominions, any Deed or Conveyance would require Registration, Enrolment, or recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of *England*, *Ireland*, or other Her Majesty's Dominions; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or recording thereof.

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

CIII. If any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or revert or come to him, the same shall *ipso jure* fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee, as at the Date of the Acquisition thereof or Succession, for the Purposes of this Act; and the Trustee shall, on coming to the Knowledge of the Fact, present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation, to be made in the Gazette, and require all concerned to appear within a certain Time for their Interest; and after the Expiration of such Time, and no Cause being shown to the contrary, the Lord Ordinary shall

shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates; and the Proceeds thereof, when sold, shall be divided in Terms of this Act; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired, or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto: Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

Subjects improperly included in Sequestration may be struck out.

CIV. Any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary, praying to have such Estate taken out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete Feudal Titles or grant such Rights as Bankrupt could do.

CV. The Bankrupt shall, if required, grant all Deeds necessary for recovering his Property and feudally vesting his Heritable Estate in the Trustee for the Purposes of this Act; and if the Bankrupt's Title to any Estate has not been completed, the Trustee may complete Titles in his own Person, whom failing, in favour of any Trustee who may succeed him, for Behoof of the Creditors, or in the Person of the Bankrupt; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law; and the Trustee may, without making up a Feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants, as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt, reserving the Effect of such Inhibition in the ranking.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

CVI. When Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary, praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within Fourteen Days; and an Abbreviate of such Petition and Deliverance, in Terms of the Schedule (A. No. 3.) hereunto annexed, being recorded in the Register of Inhibitions kept at *Edinburgh*, shall have the Effect of an Inhibition, and the Keeper of the Register shall write on the said

Abbreviate a Certificate in Terms of the said Schedule (A. No. 2.); and if on Expiration of that Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee, as at the Date of the Sequestration, to the same Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall, within Eight Days thereafter, cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications, in Terms of the Schedule (E. No. 3.) hereunto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (E. No. 2.)

Decree to be recorded in the Register of Adjudications.

Effect of Sequestration on Ranking of Creditors.

Sequestration equivalent to an Adjudication in Competition;

CVII. The Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest, accumulated at the said Date, and when the Sequestration is dated within Year and Day of any effectual Adjudication, the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Powers of the Trustee.

And to Arrestment and Poinding.

Diligence on or after Sixtieth Day before Sequestration, or after it, ineffectual.

Expenses of Diligence.

CVIII. The Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Poinding; and no Arrestment or Poinding executed of the Funds or Effects of the Bankrupt on or after the Sixtieth Day prior to the Sequestration shall be effectual; and such Funds or Effects, or the Proceeds of such Effects, if sold, shall be made forthcoming to the Trustee: Provided, that any Arrester or Poinder before the Date of the Sequestration who shall be thus deprived of the Benefit of his Diligence shall have Preference out of such Funds or Effects for the Expense *bonâ fide* incurred by him in such Diligence.

Interruption of Prescription.

CIX. The presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in the Hands of the Trustee, or the Sheriff, or Preses at any Meeting of Creditors, shall interrupt Prescription of the Debt of the Creditor so petitioning, concurring, or claiming, and in regard to such Debt shall bar the Effect of any Statute of Limitations in *England* or *Ireland*, or other Her Majesty's Dominions, and although this Sequestration shall be recalled, such Interruption or Bar shall, notwithstanding, be effectual.

Preferences in case of a deceased Debtor.

CX. When the Sequestration of the Estates of a deceased Debtor is dated within Seven Months after his Death, any Preference or Security

Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death, or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than Sixty Days before his Death, and any Confirmation as Executor-Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expede, shall belong to the Trustee: Provided, that the Creditor, who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expenses *bonâ fide* incurred by him in such Diligence or Confirmation.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

CXI. All Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration and before his Discharge out of or in relation to the Estate (unless with the Consent of the Trustee), shall, in the event of Sequestration being awarded, be null and void; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expense *bonâ fide* incurred; but if a *bonâ fide* Purchaser is in possession of Moveable Effects received from the Bankrupt after Sequestration, but in Ignorance thereof, and when ignorant thereof for a Price paid, or which he is ready to pay, he shall not be obliged to restore the Effects; and if a Debtor, in Ignorance of the Sequestration, have paid his Debt *bonâ fide* to the Bankrupt, he shall not be obliged to pay it a Second Time to the Trustee; and if the Possessor of any Bill or Promissory Note, which is payable by the Bankrupt, with Recourse on other Parties, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in Ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Realization of Heritable Estate.

Sale of Heritable Estate by Creditor.

CXII. A Creditor holding a Security over the Heritable Estate of the Bankrupt, preferable to the Right of the Trustee, with a Power to sell, may sell, in Terms of his Security, notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title; and the Trustee or any posterior Heritable Creditor preferable to him may, by Petition to the Lord Ordinary or to the Sheriff, compel the said Creditor and the Purchaser to account for any Reversion of the Price.

CXIII. If

Sale by Trustee with Concurrence of Heritable Creditors.

Discharge of Burdens on Sale.

CXIII. If a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of such Creditor and the Commissioners; and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance, it shall be consigned in the Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Sale by Trustee alone.

CXIV. If the Creditors, at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by Public Sale or bring it to Judicial Sale, and if such Resolution has been made before an Heritable Creditor having a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee; and if a Public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the Upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners: Provided always, that the Estate shall not be sold for less than the Upset Price, and that such Upset Price shall not be less than sufficient to pay the Debt, Principal, Interest, and Expenses of the Heritable Creditor.

Trustee may with Approval of Accountant sell by private Bargain.

CXV. It shall be competent for the Trustee, with Concurrence of a Majority of the Creditors in Number and Value, and of the Heritable Creditors, if any, and of the Accountant, to sell the Heritable Estate by private Bargain, on such Terms and Conditions regarding Price and otherwise, as the Trustee, with Concurrence of those Parties, may fix.

Trustee to make up a Scheme of Ranking and Division of Price.

CXVI. It shall be the Duty of the Trustee to make up a Scheme of Ranking and Division of the Claims of the Heritable Creditors and other Creditors on the Price of the Heritable Estate sold; and such Scheme of Ranking and Division shall be reported by him to the Lord Ordinary or either Division of the Court of Session; and the Judgment thereon shall be a Warrant for Payment out of the Price against the Purchaser of the Heritable Estate.

Court may grant Interim Warrant

CXVII. It shall be competent for the Lord Ordinary or the Court, on Application by the Trustee or any Creditor interested, with a Report

Report thereon by the Accountant in Bankruptcy, and on Cause shown, to grant an Interim Warrant for Payment of preferable Claims out of the Price of the Estate, or to authorize an Interim Scheme of Division out of the Price, which Scheme of Division shall be disposed of as the Scheme of Division already provided for. for Payment out of Price.

CXVIII. No Poinding of the Ground which has not been carried into execution by Sale of the Effects Sixty Days before the Date of the Sequestration, and no Decree of Maills and Duties on which a Charge has not been given Sixty Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question with the Trustee: Provided, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Poinding of the Ground, or obtaining a Decree of Maills and Duties after the Sequestration, but such Poinding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current half-yearly Term, and for the Arrears of Interest for One Year immediately before the Commencement of such Term. Heritable Creditors Right to poind the Ground limited.

CXIX. Nothing in this Act contained shall affect the Landlord's Right of Hypothec. Landlord's Hypothec saved.

CXX. When any Estate is sold publicly by virtue of this Act, it shall be lawful for any Creditor to purchase the same; but the Trustee or Commissioners, or Adjudger, selling as aforesaid, shall not be entitled to purchase. Creditors may purchase.

Payment of Dividends.

CXXI. The whole Estate, when reduced into Money, shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests. Realized Estate to be a Fund of Division.

CXXII. The Wages of Workmen, and of Clerks and Shopmen and Servants employed by the Bankrupt, where such Wages do not exceed Sixty Pounds *per Annum*, shall be entitled to the same Privilege as the Wages of domestic Servants to the Extent of a Month's Wages prior to the Date of Sequestration being awarded, or where Sequestration is not awarded prior to the Concourse of Diligence for Distribution of the Estate of a Party being Notour Bankrupt. Workmen's Wages to be privileged.

CXXIII. To entitle any Creditor to the Payment of the First Dividend, he shall produce, as is herein-before directed, his Oath and Grounds of Debt at least Two Months before the Time fixed for Creditor to produce Oath, &c. Two Months before Pay-

ment of First Dividend, and One Month before subsequent Dividends.

for Payment of the First Dividend, when such Time of Payment shall not have been accelerated, or One Month before the Time fixed for Payment of the First Dividend where such Time shall have been accelerated; and to entitle any Creditor to Payment of any of the subsequent Dividends, he shall produce, as aforesaid, his Oath and Grounds of Debt at least One Month before the Time fixed for Payment of the Dividend which he means to claim; provided that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive out of the first of the Fund (if there be sufficient for that Purpose) an equalizing Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

Creditors resident abroad may lodge Oath at later Periods.

CXXIV. When any Creditor not resident within *Great Britain* or *Ireland* at the Date of the Deliverance awarding Sequestration, or at any Time within Five Months thereafter, shall lodge his Oath and Grounds of Debt Fourteen Days previous to any Time fixed for Payment of a Dividend, though not in Time to entitle such Creditor to participate in such Dividend, the Trustee shall make such Deduction from the divisible Fund as shall be equal to the Dividend which would have been payable to such Creditor had his Oath and Grounds of Debt been timeously lodged and his Claim been sustained; and the Sum so deducted shall form Part of the Fund for Division on the Occasion of Payment of the next Dividend.

Trustee to make up and exhibit to Commissioners State of Funds

CXXV. Immediately on the Expiration of Four Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Intromissions, and generally of his Management; and within Fourteen Days after the Expiration of the said Four Months the Commissioners shall meet and examine such State and Account and ascertain whether the Trustee has lodged the Moneys recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so lodged, and so after that Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify, by a Writing under their Hands engrossed or copied in the Sederunt Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said

said Four Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Commissioners to resolve as to Payment of Dividend, &c.

CXXVI. The Trustee shall also within the said Fourteen Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof, for which Purpose he may examine the Bankrupt, Creditor, or any other Party on Oath relative thereto; and in case he shall reject any Claim, he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend;

CXXVII. The Trustee shall, within Eight Days after the Expiration of such Fourteen Days, give Notice in the Gazette published next after Expiration of such Fourteen Days of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the First lawful Day after the said Fourteen Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and when he has rejected any Claim he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of his Deliverance, and specify the Amount of the Claim; and a Certificate by the Trustee or an Execution by a Messenger or Sheriff Officer that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee, he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of Fifteen Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

CXXVIII. The Trustee shall, before the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have

Trustee to make up a Scheme of Division.

have appealed against his Decision, and which Scheme shall be patent to all concerned, and shall send Notice to each Creditor of the Amount of the Dividend to which he may be entitled.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

CXXIX. On the First lawful Day after the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends effeiring to contingent Creditors or other Claimants, not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* in a separate Account, or if the Money be deposited in Bank, he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of or the Dividends become payable.

Second Dividend.

Trustee to make up State, &c., and Commissioners to resolve as in case of First Dividend.

CXXX. On the Expiration of Eight Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall again make up a State as herein-before provided, which he shall within Fourteen Days after the Expiration of the said Eight Months exhibit to the Commissioners, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Commissioners shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend; provided that no Appeal by a Creditor shall be competent unless the Note of Appeal be lodged within Fifteen Days of the Date of Notification in the Gazette.

Dividend to be paid.

CXXXI. On the First lawful Day after the Expiration of Ten Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall lodge the Dividend disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Subsequent Dividends.

Same Proceedings as in prior Dividends.

CXXXII. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of Payment of the immediately

immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in certain Cases.

CXXXIII. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be competent to Three Fourths in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Lord Ordinary or the Sheriff for Authority to make the First Dividend at an earlier Period than the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, but not earlier than Four Months from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the Second and other Dividends; and when the Lord Ordinary or the Sheriff shall upon such Application, accelerate the First or any subsequent Dividend, which he is hereby empowered to do, he shall also make the requisite Provision for the Acceleration of any other Matters which he may find it necessary to accelerate in consequence thereof.

Proceedings when Commissioners postpone the Dividend.

CXXXIV. If it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette.

Where Estate is chiefly Land Periods of Payment may be altered.

CXXXV. In Cases where the sequestrated Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be competent for the Court of Session or the Lord Ordinary or Sheriff, on a special Application by the Trustee and Commissioners, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case.

Winding up of Estate.

CXXXVI. If on the Lapse of Twelve Months from the Date of the Deliverance actually awarding Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the Gazette, shall, Fourteen Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estates and of the

 outstanding

outstanding Debts and the consigned Dividends; and if Three Fourths in Value of the Creditors assembled at the Meeting shall decide in favour of a Sale, in whole or in Lots, the Trustee shall cause the Estates, Debts, and Dividends to be sold by Auction, after Notice thereof published at least One Month previous to the Sale, once in the Gazette, and in such other Newspapers as the Creditors at the Meeting shall appoint.

Discharge of Bankrupt.

1st. On Composition.

Offer of Composition may be made at the Meeting for Election of Trustee.

CXXXVII. At the Meeting for Election of Trustee the Bankrupt or his Friends, or, in case of his Decease, his Successors, and in case of a Company, One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and Nine Tenths in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the Gazette a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which, and the Place where, such Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of such Offer and Security.

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination.

CXXXVIII. If at the Meeting held after the Examination of the Bankrupt a Majority in Number and Nine Tenths in Value of the Creditors there assembled shall accept such Offer and Security, a Bond of Caution for Payment of the Composition, executed by the Bankrupt or his Successors, or the Partners of a Company (as the Case may be), and the proposed Cautioner, shall be forthwith lodged in the Hands of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and Nine Tenths in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof; provided that he shall hear any Objection by opposing Creditors, and if he shall refuse to sustain the Offer

Lord Ordinary or Sheriff to approve.

Offer or reject the Vote of any Creditor, he shall specify the Grounds of Refusal or Rejection.

CXXXIX. In like Manner, at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt, or his Friends, or in case of his Decease his Successors, or any of them, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and Four Fifths in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting to be held at a specified Hour on a specified Day, being not less than Twenty-one Days thereafter, and at a specified Place, and shall, Seven Days at least before such other Meeting, send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letter shall contain a Notice of such Resolution, and of the Hour, Day, and Place, and Purpose of the Meeting, and specify the Offer and Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of such Offer; and if at the Meeting so called a Majority in Number and Four Fifths in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

Offer of Composition may also be made at Meeting after Bankrupt's Examination.

CXL. On such Deliverance being pronounced, approving of the Composition in either of the Cases above specified, the Bankrupt, or if deceased his Successor or other Party offering the Composition, shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or the Sheriff (as the Case may be), that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to such Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with such Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him, or for which he was liable at the Date of

Bankrupt on making Declaration or Oath to obtain his Discharge.

of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when such Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of such Deliverance, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same, with the Copy of the Proceedings in the Sequestration transmitted to him, as herein provided; and the Clerk of the Bills or the Sheriff Clerk shall also issue an Abbreviate of such Deliverance in the Form of Schedule (.) hereto annexed, which Abbreviate shall be recorded in the Register of Inhibitions and the Register of Abbreviates of Adjudications at *Edinburgh*, and the Keepers of the said Registers, if required, shall grant Certificates of such Registration in the Form of Schedule (.) hereto annexed; and such Deliverance of the Lord Ordinary or of the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within *Great Britain* and *Ireland* and Her Majesty's other Dominions, and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Trustee's Accounts to be audited before the Composition be approved of.

CXLI. Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expense attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before such Deliverance is pronounced.

Sequestration to go on, notwithstanding Offer of Composition.

CXLII. Notwithstanding such Offer of Composition and Proceeding consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty as if no such Offer had been made, until the Deliverance by the Lord Ordinary or the Sheriff be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonered and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intromissions and other Acts as Trustee.

Bankrupt and Cautioner not to be entitled

CXLIII. Neither the Bankrupt, nor his Successor offering the Composition, nor the Cautioner for the Composition, shall be entitled to object to any Debt which the Bankrupt has given up in the State of

of his Affairs as due by him, or admitted without Question to be reckoned in the Acceptance of the Offer of Composition, nor to object to any Security held by any Creditor, unless in the Offer of Composition such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

to object to certain Debts.

CXLIV. No Person who has not produced an Oath as a Creditor before the Date of the Deliverance approving of the Composition shall be entitled to make any Demand against the Cautioner after the Space of Two Years from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

Claims against Cautioner limited in certain Cases to Two Years.

CXLV. If an Offer of Composition have been made and rejected, or have become ineffectual, no other Offer of Composition shall be entertained unless Nine Tenths in Number and Value of all the Creditors ranked or entitled to be ranked on the Estate shall assent in Writing to such Offer, which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called in manner before directed by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and Nine Tenths in Value of the Creditors present shall accept such Offer and Security, and the same shall be assented to by Nine Tenths in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect in the same Manner as is herein-before provided for other Offers of Composition.

If Offer of Composition rejected, no other to be entertained unless Nine Tenths of Creditors ranked shall agree.

2d. Without Composition.

CXLVI. The Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Four Fifths in Value of the Creditors who have produced Oaths concur in the Petition, and the Bankrupt may also present such Petition on the Expiration of Twelve Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Two Thirds in Value of the Creditors concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Eighteen Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Value concur in the Petition; and the Bankrupt may also

Proceedings for this Purpose.

May be discharged with Consent of Creditors.

After Two Years may be discharged without Consent.

also present such Petition on the Expiration of Two Years from the Date of the Deliverance actually awarding Sequestration without any Consents of Creditors; and the Lord Ordinary or the Sheriff, as the Case may be, shall in each of the Cases aforesaid order the Petition to be intimated in the Gazette and to each Creditor; and if, at the Distance of not less than Twenty-one Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, where such Concurrence is required, there be no Appearance to oppose the same, the Lord Ordinary, or the Sheriff, as the Case may be, shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Lord Ordinary or the Sheriff, as the Case may be, shall judge of any Objections against granting the Discharge, and shall either find the Bankrupt entitled to his Discharge, or refuse the Discharge, or defer the Consideration of the same for such Period as he may think proper, and may annex such Conditions thereto as the Justice of the Case may require: Provided that no Discharge shall be granted to the Bankrupt where under the Provisions of this Act he is only entitled to apply for a Decree of Cessio; and provided also, that it shall not be competent for the Bankrupt to present a Petition for his Discharge, or to obtain any Consent of any Creditor to such Discharge, until the Trustee shall have prepared a Report with regard to the Conduct of the Bankrupt, and as to how far he has complied with the Provisions of this Act, and, in particular, whether the Bankrupt has made a fair Discovery and Surrender of his Estate, and whether he has attended the Diets of Examination, and whether he has been guilty of any Collusion, and whether his Bankruptcy has arisen from innocent Misfortunes or Losses in Business, or from culpable or undue Conduct; and such Report may be prepared by the Trustee, upon the Requisition of the Bankrupt, at any Time after the Bankrupt's Examination, but shall not be demandable from the Trustee till the Expiration of Five Months from the Date of the Deliverance actually awarding Sequestration; and such Report shall be produced in the Proceedings for the Bankrupt's Discharge, and shall be referred to by its Date, or by other direct Reference, in any Consent to his Discharge.

Bankrupt to make a Declaration or Oath before obtaining Discharge.

CXLVII. If the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to his Discharge; and if the Bankrupt shall be at the Time beyond the Jurisdiction

Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff, as the Case may be, on being satisfied with such Declaration or Oath, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration; and when the Deliverance discharging the Bankrupt is pronounced by the Lord Ordinary or Sheriff, an Extract thereof, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same with the Copy of the Proceedings in the Sequestration transmitted to him, and Extracts thereof, signed as aforesaid, shall be transmitted to the Keepers of the Registers of Inhibitions and Adjudications at *Edinburgh*, who shall enter the same in the said Register; and such Deliverance by the Lord Ordinary or the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within *Great Britain* and *Ireland* and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

This Act not to extend to discharge Crown Debtors, &c. unless Treasury give Consent.

CXLVIII. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown or any Person for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other public Officer upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors.

CXLIX. The Lord Ordinary or Sheriff may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as on Communication from the Lord Ordinary or Sheriff to the Secretary of War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief Officers of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their respective chief Secretary, or other chief Officer for the Time being, consent to in Writing, to be paid to the Trustee in order that the same may be applied in Payment of the Debts of such Bankrupt; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary

Secretary of the said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Trustee until the Lord Ordinary or Sheriff shall make Order to the contrary.

Preferences and Collusions for procuring Discharge to be void.

Preferences, Payments, and collusive Agreements for Discharge to be void.

CL. All Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge, either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee double the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary, Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who shall not have received full Payment of his Debt to raise a Multiplepoinding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security, or Amount of the Sum paid or Consideration obtained, being ascertained, double such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepoinding, according to their respective Rights and Interests; and such Multiplepoinding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the Gazette; and in the event of there being any Surplus, after paying the full Debts of the Creditors, and defraying the Expenses of the Sequestration or other Proceeding, the same shall be

be paid into the Account of Unclaimed Dividends, as herein-after provided.

CLI. If the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act, and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee or any One or more of the Creditors may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

Trustee's Discharge.

CLII. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a list of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition, with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and an Extract of such Decree, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, and shall be entered in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

Proceedings for this Purpose.

CLIII. Every Trustee in any Sequestration shall, before his Discharge, transmit the Sederunt Book to the Accountant, who shall thereupon direct the Trustee to deposit the unclaimed Dividends in the same Bank in which Money received by him was lodged under the Provisions of this Act; and the Trustee shall forthwith transfer the whole Dividends not then claimed to such Bank, to be there entered in an Account to be kept under the Title of "Account of Unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Accountant, to be entitled "The Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons, and the Deposit Receipts for such unclaimed Dividends shall be transmitted to the Accountant; and after the Discharge of the Trustee it shall be competent to any Person, producing Evidence of his Right, to apply to the Lord Ordinary

Trustees to lodge unclaimed Dividends, &c. in Bank.

Claimants showing Right to apply to

Lord Ordinary for Authority to receive Dividends.

Interest Account of unclaimed Dividends.

nary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right, a Warrant shall be granted by him for Payment of such Dividend, whereof the Accountant shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same; provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of Unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of Twenty-five Years from the Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expense of Proceedings in Bankruptcy or otherwise, as Parliament shall hereafter direct; and such Bank shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so, such Bank shall be liable to account as if such Money had been so accumulated.

Law Accounts to be taxed.

CLIV. All Accounts for Law Business incurred by the Trustee shall before Payment thereof by the Trustee be submitted for Taxation to the Auditor of the Court of Session, or to the Auditor of the Sheriff Court of the County in which the Sequestration was carried on, as may be directed by a General Meeting of the Creditors.

Surplus to be paid to Bankrupt.

CLV. Any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

Accountant in Bankruptcy.

Appointment of Accountant in Bankruptcy.

CLVI. It shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a Person versant in Law and Accounts, to be called "The Accountant in Bankruptcy," for performing the Duties of that Office, with such yearly Salary, not exceeding Eight hundred and fifty Pounds *per Annum*, payable quarterly out of any Monies to be voted by Parliament for that Purpose, and with such Accommodation of Office Rooms; or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, and the Accountant shall be allowed Three Clerks, whom he shall appoint, with a Salary not exceeding One hundred and fifty Pounds yearly, which Salaries shall be paid quarterly out of any Monies to be voted by Parliament for that Purpose; and the Accountant

countant shall hold no other Office appointed to by Government, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any inferior Court, and he shall not, directly or indirectly, have any Management of or Intromission with any Money of any Bankrupt Estate under Charge of the Court of Session or of any Sheriff Court, or constituting the Fund in any Process of Sequestration.

Accountant to keep Register of Sequestrations.

CLVII. The Accountant shall keep a Book, entitled "The Register of Sequestrations," in the general Form of Schedule (G.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall be patent to all concerned, and he shall regularly enter therein the Division of the Court to which any Sequestration awarded in the Court of Session is appropriated, or the Sheriff awarding Sequestration and the Sheriff to whom the Sequestration is remitted, the Date of the First Deliverance on every Petition of Sequestration, whether in the Court of Session or Sheriff Court, the Name and Designation of the Debtor, the Place and County of his Residence, Dwelling House, or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff (if it has not been awarded by him), the Time and Place appointed for the Election of the Trustee and Commissioners, the Name and Designation of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the First Dividend, the Bankrupt's Discharge on Composition or otherwise, and the Trustee's Discharge, for which Purpose the Clerks of the Bill Chamber and the Sheriff Clerk of each County shall transmit forthwith to the Accountant a certified Copy of the First Deliverance in Sequestrations awarded in the Court of Session and Sheriff Courts respectively, and the Sheriff Clerk of each County shall every Six Months transmit to the Accountant the Particulars necessary to enable him to make such Entries, and the Trustee shall be bound when required to furnish such Particulars to the Sheriff Clerk.

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Accountant.

CLVIII. Each Trustee shall, within Fourteen Days after the Thirty-first Day of *October* in each Year, or on the first lawful Day after Expiry of the said Fourteen Days, deliver, free of Expense, to the Sheriff Clerk of the County, a Return in the Form of the Schedule (H.) hereunto annexed, of every Sequestration in which he is Trustee; and the Sheriff Clerk shall, within Fourteen Days thereafter, transmit, in the Form of the said Schedule, to the Accountant, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Accountant shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order

Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto, framed by him, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or of the Accountant, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

Accountant in Bankruptcy to take cognizance of the Conduct of Trustees and Commissioners;

CLIX. The Accountant shall take cognizance of the Conduct of all Trustees and Commissioners in Sequestrations awarded after the passing of this Act, or in which any Proceedings shall have been had within Five Years thereof; and in the event of their not faithfully performing their Duties, and duly observing all Rules and Regulations imposed on them by Statute, Act of Sederunt, or otherwise relative to the Performance of those Duties, or in the event of any Complaint being made to him by any Creditor in regard thereto, he shall inquire into the same, and if not satisfied with the Explanation given he shall report thereon to the Lord Ordinary in Time of Vacation, or during Time of Session to either Division of the Court of Session, who, after hearing such Trustees or Commissioners thereon, and investigating the whole Matter, shall decide, and shall have Power to censure such Trustees or Commissioners, or remove them from their Office, or otherwise to deal with them as the Justice of the Case may require.

To superintend annual Returns;

CLX. The Accountant shall superintend the annual Returns required by this Act from Trustees, and frame an annual Report to the Court of Session showing the State of each depending Sequestration returned to him, which Report may be published in the Gazette, or otherwise as the Court shall direct; and the Accountant shall have Power, on the Application of One or more of the Creditors, or of his own Accord, to require Exhibition of the Sederunt Book in any Sequestration, and of any Vouchers or Documents which he may think necessary, and to direct that a Meeting of the Creditors shall be called to take any Measures under Consideration which he may judge requisite for the Preservation or due Management of the Estate or more speedy realizing and Division of the Funds or winding up of the Estate.

To report Disobedience;

CLXI. The Accountant shall at all Times, when requisite, report to the Lord Ordinary or either Division of the Court any Disobedience by the Trustee or Commissioners of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Lord Ordinary or the Court, and it shall be competent for the Lord Ordinary or the Court to deal summarily with the Matter reported, as accords of Law.

To give Information to Lord Advocate.

CLXII. If the Accountant shall possess Information that shall lead him, on reasonable Grounds, to suspect fraudulent Conduct by the

the Bankrupt, or Malversation or Misconduct on the Part of the Trustee or Commissioners, such as may infer Punishment, he shall be entitled to give Information to Her Majesty's Advocate, who shall direct such Inquiry and take such Proceedings therein as he shall think proper.

CLXIII. In case of the Illness or temporary Absence of the Accountant, the Lord President of the Court of Session may authorize any One of the Accountant's Clerks or other qualified Person to discharge the Duties of the Office for the Time.

In case of Illness, &c. of Accountant, Lord President to appoint a Deputy.

Judicial Power for winding up the Estates of Parties deceased.

CLXIV. It shall be competent to One or more Creditors of Parties deceased to the Amount of One hundred Pounds, or to Persons having an Interest in the Succession of such Parties, in the event of the Deceased having left no Settlement appointing Trustees or other Parties having Power to manage his Estate or Part thereof, or in the event of such Parties not accepting or acting, to apply by summary Petition to either Division of the Court for the Appointment of a Judicial Factor, and, after such Intimation of the Petition to the Creditors of the Deceased, and other Persons interested, as may be considered necessary, and after hearing Parties, the Court may appoint such Factor, subject to such Conditions as to Caution, and such other Conditions as the Court may provide by Act of Sederunt; and such Factor shall manage the Estate, recover Debts due to it, realize the Moveable Effects by Public or Private Sale, as may be most expedient, dispose of the Heritable Estate by Public Sale or Private Bargain, according to such Directions as the Court, on Report of the Accountant, may give, and shall apply the free Proceeds, after defraying all Expenses in Payment of the Claims of Creditors according to their several Rights and Preferences, conformably to a State of Funds and Scheme of Division to be prepared by him, and considered and approved of by the Court, on a Report by the Accountant: and thereafter the Factor shall account for the Residue, if any, after Payment of Debts and Expenses, to the Parties having a Right to the Deceased's Succession: Provided that the Accountant shall annually examine and audit the Proceedings, Intromissions, and Accounts of such Factor, which shall be duly transmitted for that Purpose, and report to the Court thereon, from Time to Time, as he may deem expedient, and shall generally exercise the like Powers and discharge the same Duties with regard to him as he is empowered and required to exercise and discharge with regard to a Trustee under a Sequestration, but subject always to the Control of the Lord Ordinary or the Court.

Application for Judicial Factor on Estates of Persons deceased.

CLXV. The Court shall have full Power to regulate by Act of Sederunt the Caution to be found by such Factor, the Mode in which he

Judicial Factor's Duties to be

regulated by Act of Sederunt.

he shall proceed in realizing and dividing the Funds, and otherwise in the Discharge of his Duties, and any other Matter which they may deem necessary.

Application of Trustees on Estate of deceased Parties for Supervision of Accountant.

CLXVI. If a Party deceased has left a Settlement, appointing Trustees or other Parties having Power to manage his Estate as aforesaid, it shall nevertheless be competent for the Trustees under the Settlement, with or without Concurrence of the Creditors of the Deceased and of the Persons interested in his Succession, to apply in like Manner to the Court, and obtain from them an Order on the Accountant to superintend the Administration of the Estate, in which Case he shall exercise the like Powers and discharge the like Duties, under the Control of the Lord Ordinary or the Court, which have been provided for in the preceding Sections.

Process of Cessio Bonorum.

Cessio Bonorum.

CLXVII. Any Trustee or Trustees to whom the Pursuer of a Cessio shall grant a Conveyance of his Estate and Effects for behoof of his Creditors shall act under the Supervision and Control of the Accountant in like Manner as the Trustee under a Sequestration, and the Accountant shall exercise the like Powers and perform the like Duties as in that Case, but always under the Directions of the Court, for which Purpose it shall be the Duty of every such Trustee, or, failing him, of the Clerk to any such Process in the Court of Session, or of the Clerk of the Sheriff Court in which the Cessio has been granted, to transmit a Note of the same, and Residence of such Trustee, to the Accountant, and the Accountant shall prepare a List of such Processes, and shall require from such Trustees at the End of each Year Accounts of their Intromissions, and report on the same annually to either Division of the Court, and he shall also bring before the Court any Instance of Malversation or Irregularity in such Trustees, whereupon the Court shall be entitled to inflict on them such Censure or Punishment as it may deem just.

When Creditors may resolve that Bankrupt is only entitled to Decree of Cessio.

CLXVIII. It shall be competent for a Majority in Number and Value of the Creditors at any Meeting called for the Purpose after the Election of the Trustee, if it shall appear to them that the Estate is not likely to yield free Funds for Division among the ordinary Creditors, after Payment of preferable Debts and Expenses, beyond One hundred Pounds, to resolve that the Bankrupt shall only be entitled to apply for and obtain a Decree of Cessio, and shall have no Right to a Discharge in the Sequestration; and, on such Resolution being passed, it shall be the Duty of the Trustee, after giving Eight Days previous Notice to the Bankrupt, to report such Resolution to the Lord Ordinary or the Sheriff, who shall hear Parties, if required, and decide with reference to the whole Circumstances of the Case, with

with or without a Report from the Accountant, whether such Resolution shall be confirmed or recalled; and if such Resolution shall be confirmed, the Bankrupt shall have no Right to a Discharge in the Sequestration, but shall be entitled to apply for a Decree of Cessio, and the Court shall have Power to grant such Decree in the Sequestration, without requiring the Bankrupt to bring a separate Process, and in all other respects the Sequestration shall be proceeded with in common Form.

Judicial Proceedings.

Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.

CLXIX. It shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within Fourteen Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee or Commissioners to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within Fourteen Days from the Date of the Deliverance; and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners, or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties *vivâ voce*, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, if they shall think fit, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held, in order to reconsider the Resolution.

Review of Sheriff's Judgments.

CLXX. It shall be competent to bring under the Review of the Inner House of the Court of Session, or before the Lord Ordinary in Time of Vacation, any Deliverance of the Sheriff, after the Sequestration has been awarded (except where the same is declared not to be subject to Review), provided a Note of Appeal be lodged with and marked

marked by the Sheriff Clerk, within Eight Days from the Date of such Deliverance, failing which the same shall be final; and such Note, together with the Process, shall forthwith be transmitted by the Sheriff Clerk to the Clerk of the Bill Chamber; and the Lord Ordinary's Decision shall, when not expressly made final by this Act, be subject to Review of the Inner House; and it shall be competent to the Inner House or the Lord Ordinary to remit to the Sheriff, with Instructions.

Review of Lord Ordinary's Judgments.

CLXXI. Where any Judgment of the Lord Ordinary is to be brought under Review of the Inner House, the same shall be done by a Reclaiming Note in common Form presented within Fourteen Days from the Date of the Judgment; and such Reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow.

Regulation by Sheriff of Interim Possession.

CLXXII. During the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the Interim Possession and Administration of the Estate.

Appeals to House of Lords.

CLXXIII. If any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the Interim Possession and Management of the Estate, and which Orders shall not be subject to Appeal.

Deliverances, Extracts, and Copies shall form Evidence.

CLXXIV. All Deliverances under this Act purporting to be signed by the Lord Ordinary or by any of the Judges of the Court of Session, or by the Sheriff, as well as all Extracts or Copies thereof or from the Books of the Court of Session or the Sheriff Court purporting to be signed or certified by any Clerk of Court, or Extracts from or Copies of Registers purporting to be made by the Keeper thereof, or Extractor, shall be judicially noticed by all Courts and Judges in *England*, *Ireland*, and Her Majesty's other Dominions, and shall be received as *primâ facie* Evidence, without the Necessity of proving their Authenticity or Correctness, or the Signatures appended, or the official Character of the Persons signing, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

Deliverances, &c. may be printed.

Service of Citations.

CLXXV. All Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be made by a competent Officer without Witnesses.

CLXXVI. The

CLXXVI. The Trustee may, with Consent of the Commissioners, compound and transact or refer to Arbitration any Questions which may arise in the course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

Trustee and Commissioners may compound and transact.

CLXXVII. It shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts, in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff; provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Courts.

Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

Miscellaneous Provisions.

CLXXVIII. If any Person shall be guilty of wilful Falsehood in any Oath made in pursuance of this Act, he shall be liable to a Prosecution, either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee, with the Concurrence of Her Majesty's Advocate; provided that, in the latter Case, the Prosecution shall be authorized by a Majority of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to the Trustee, for behoof of the Creditors, his whole Right, Claim, and Interest in or upon the Sequestrated Estate, and the same shall be distributed, either under the Sequestration, or, if it be closed, under a Process of Multiplepoinding, as is herein-before provided.

Punishment of wilful Falsehood.

CLXXIX. The Lord Ordinary or Sheriff, on Cause shown, may order that for a Period not exceeding Three Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster General, or the Officers acting under him, to the Sheriff Clerk or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within *Scotland;* and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

Trustee may be authorized to receive and open Post Letters.

CLXXX. The Fees which are set forth in the Schedule (I.) hereunto annexed shall be payable on the Proceedings specified, and shall form a Fund, which shall be applied in the Payment of the Salaries and Expenses of Officers in the Court in which the same are payable, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

Fees payable.

Fees payable to the Bill Chamber Clerks.

CLXXXI. The Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of Sixpence for each Page of One hundred and fifty Words without any farther Charge for Stationery.

Gazette Keeper to furnish Copies of Gazette.

CLXXXII. From and after the Commencement of this Act the Keeper of the Gazette shall on each Day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, and to the Accountant, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of Sixpence and no more.

Charges on Advertisements under this Act.

CLXXXIII. No Advertisement inserted in the *London Gazette* or in the *Edinburgh Gazette*, by virtue of this Act, or the Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-six, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such Publication, than the Sums specified in the Schedule (K.) hereunto annexed.

Conveyances, Deeds, &c. relating to Estates of Bankrupts, not liable to Stamp or other Duties.

CLXXXIV. From and after the Commencement of this Act, all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded, either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt, for the Benefit of his Creditors, or the Trustees appointed or chosen under or by virtue of such Sequestration, and all Discharges to such Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting such Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever, relating solely to the Estate of such Bankrupt, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, shall be exempt from all Stamp Duties or other Government Duty.

Power to Court of Session, by Acts of Sederunt, to apportion Duties, and regulate Procedure in relation to this Act.

CLXXXV. It shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting

ducting the Proceedings, and to amend or alter such Act or Acts from Time to Time; and such Act or Acts of Sederunt shall within One Month after the making thereof be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

No. 1.

Abbreviate for the Register of Inhibitions.

PETITION for Sequestration of *A. B.* [*Name and Designation*].

Date of First Deliverance Day of .

(Signed) *C. D.* [*If an Agent, state so.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*or* received by Post from] [*name and design the Presenter or Party transmitting by Post*] and recorded on [*Date*] in the Register of Inhibitions at Edinburgh.

(Signed) *E. F.*, Keeper.

No. 3.

Abbreviate.

PETITION for transferring, in Terms of the "Bankruptcy (Scotland) Act, 1856," from *A. B.* [*Name and Designation*], as Heir of *C. D.* [*Name and Designation*], the Estates of *C. D.*, Date of Deliverance Day of

(Signed) *G. H.* [*If an Agent, state so.*]

SCHEDULE (B.)

Notice to the Gazettes.

THE Estates of *A. B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*] by the [Court of Session *or* Sheriff of].

The First Deliverance is dated the [*Date*].

The Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the First Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P. Q.*, Agent [*specify Place of Business*].

SCHE-

SCHEDULE (C.)

Form of Bond of Caution for Trustee.

I *A.B.* [*Name and Designation*], having been appointed Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee, and fully account for my whole Intromissions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted:* And declaring further, that this Bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater Extent than the Sum of [*here insert Sum in Writing*], to which my Obligation before written is hereby limited.] In witness whereof this Bond (*so far as not printed*), written and filled up by [*here shall be inserted in Writing a testing Clause in legal Form*].

(Signed) *A.B.*
E.F.

O.T., Witness.
L.F., Witness.

SCHEDULE (D.)

Act and Warrant of Confirmation of the Trustee.

[*Place and Date.*]

The Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for Behoof of the Creditors of the said *C.D.*, in Terms of the "Bankruptcy (Scotland) Act, 1856"; and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

SCHEDULE (E.)

No. 1.

Abbreviate for the Register of Adjudications.

THE whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *A.B.* [*Name and Designation*], are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the Day of , issued in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*Name and Designation*] and recorded on [*Date*] in the Register of Abbreviates of Adjudications.

(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate of Adjudication.

THE Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the Day of and in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

SCHEDULE (F.)

For the Gazette.

Sequestration of *C.D.* [*Designation*].

A.B. [*Name and Designation*], has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour*]. The Creditors will meet in [*specify the Place, Day, Date, Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHE-

SCHEDULE (G.)

Register of Sequestrations.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning or Concurring Creditor.	Whether Sequestration awarded by Sheriff (*state the County*) or by Court of Session.	Division of the Court, if by Court of Session.	To what Sheriff remitted.	Date of First Deliverance.	Date of awarding. (If recalled, Entry to be in this Column.)	Date of Transmission to Sheriff, and of Receipt by Sheriff Clerk	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners Names and Designation.	Time for lodging Claims for Dividend.	Date of Bankrupt's Discharge.	Bankrupt's Discharge on or without Composition.	Date of Trustee's Discharge.

SCHE-

SCHEDULE (H.)

ANNUAL RETURN by each TRUSTEE within Fourteen Days after the Thirty-first Day of October, and by each SHERIFF CLERK within Fourteen Days thereafter.

Name and Designation of Bankrupt.	County and Place.	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designation of Cautioners.	Dividend,—Amount paid or unpaid.	AMOUNT OF EXPENSES.		
												Trustees Commission.	Law Expenses.	Miscellaneous.

Signed by Trustee and by Sheriff Clerk.

SCHEDULE (I.)

Table of Fees payable under this Act.

I.—In the Court of Session.	£	s.	d.
(1.) To the Collector of the Fee Fund:			
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each - - - - - -	0	2	6
(2.) To the Keeper of the General Minute Book:			
For entering the First Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each - - -	0	2	6
For entering any other Deliverance or Intimation - -	0	1	0
(3.) To the Extractors:			
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet - - - - - - -	0	1	0
II.—To the Keepers of the Records.			
For entering any Schedule - - - - -	0	1	0
For entering on the Margin of any Record the Recal of Sequestration, or Discharge in favour of the Bankrupt -	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of One Shilling for each Year of the Record inspected, but not exceeding in all for any One Record - - - - -	0	10	0
For Extracts or certified Copies therefrom, per Sheet -	0	1	0
For collating and certifying Extracts therefrom, per Sheet - - - - - - -	0	0	6
III.—Sheriff Court.			
(1.) To the Sheriff Clerk:			
On every Deliverance pronounced by the Sheriff, awarding Sequestration, declaring the Election of a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee - - - - - -	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals - - - - - -	0	1	0

	£	s.	d.
For every Transmission to or by him of the Proceedings	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate) - - - - - - - -	0	0	6
For entering the Name and Designation of the Trustee and Commissioners in the Register - - -	0	0	6
For issuing, receiving back, and examining Bond of Caution for Trustee, to be paid at the issuing of Bond - - - - - - - -	0	2	6
For Oath of the Bankrupt, and Examinations of him or others, per Sheet - - - - - -	0	1	0
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination	0	2	6
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet - - - - - -	0	1	0
For every annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee	0	0	6
For every borrowing of all or any Part of the Proceedings	0	0	6
(2.) To the Sheriff:			
Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day - - - - -	1	1	0

SCHEDULE (K.)

Table of Prices payable for Advertisements in the London or Edinburgh Gazette.

	£	s.	d.
For Six Lines and under - - - - -	0	6	0
For more than Six Lines and not exceeding Ten Lines -	0	7	6
For more than Ten Lines and not exceeding Fifteen Lines - - - - - - -	0	10	6
For more than Fifteen Lines and not exceeding Twenty Lines - - - - -	0	14	6
For more than Twenty Lines and not exceeding Twenty-five Lines - - - - - -	0	17	6
For more than Twenty-five Lines and not more than Thirty Lines - - - - - -	1	0	6

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Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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Public Burdens not paid by Landlords in England.

and (B.) of the Acts relating to the Income Tax, in order to the assessing and charging of the same under the said Acts, direct that where any Landlord shall be subject to any Covenant or Agreement to pay or satisfy out of the Rent reserved Parochial Rates, Taxes, and Assessments which by Law are a Charge on the Occupiers of Lands, the annual Value of such Lands shall be estimated for the Purpose aforesaid, exclusive of such Rates, Taxes, and Assessments: And whereas certain Public Rates and Taxes which in *England* are by Law a Charge on the Occupiers of Lands are in *Scotland* charged on the Landlords, and other Public Burdens, the like whereof do not exist in *England*, are also charged on the Landlords in *Scotland*; and it is expedient to afford Relief to Landlords in *Scotland* with respect to the Charge of the Income Tax upon them in regard to all such Cases as aforesaid: Be it enacted, That where it shall be made to appear to the Satisfaction of the Commissioners of Inland Revenue that the Landlord of Lands in *Scotland* is by Law charged with any Public Rates, Taxes, or Assessments which in *England* are by Law a Charge on the Occupiers of Lands, or that such Landlord is by Law charged with any Public Rates or Taxes or other Public Burdens the like whereof are not chargeable on Lands in *England*, the said Commissioners shall cause such Relief to be given to the said Landlords in *Scotland* as shall be just and reasonable in regard to the Charge of the Income Tax on them in respect of an annual Value exceeding by the Amount of such Rates, Taxes, Assessments, and Public Burdens the Charge of the said Tax on Landlords in *England*, and such Relief shall be given either by Abatement from the Assessment, or by Repayment of the Tax, and under such Rules, Regulations, and Directions as the said Commissioners shall think fit to make or give in that Behalf.

Allowances to Clerks to Income Tax Commissioners under recited Acts repealed, and other Allowances granted in lieu thereof.

II. And whereas by Section One hundred and eighty-three of the said recited Act certain Allowances were directed to be granted to the Clerks of the respective Commissioners of Income Tax for the due Performance by the said Clerks of the Duties of their Offices respectively, and by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Section Fifty-seven, certain other Allowances were directed to be granted to the said Clerks in lieu of the said former Allowances: Be it enacted, That the said Allowances directed to be granted by the said recited Acts or either of them to the Clerks of the respective Commissioners of Income Tax shall be and the same are hereby repealed as to all Assessments made or to be made for any Year commencing from or after the Fifth Day of *April* One thousand eight hundred and fifty-six, and in lieu thereof there shall be granted the following Allowances; (that is to say,) the Clerk of the respective Commissioners who shall duly

duly perform the Duties of his Office within the respective Times limited by Law in that Behalf, and shall have borne and sustained the incidental Expenses mentioned in the said first-recited Act, shall, by Warrant under the Hands of the said Commissioners, have and receive from the respective Officers for Receipt Twopence in the Pound on so much of the net Amount of the Sums assessed and charged in the Duplicates of Assessment for any Year commencing as aforesaid, after all Appeals heard and determined, and all just Reductions, Abatements, and Discharges made from such Assessments and Duplicates respectively, as will give to such Clerk an Allowance not exceeding Five hundred Pounds for any one Year, and at the Rate of One Penny in the Pound on the Remainder (if any) of the said net Amount: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, in any Case in which they shall see fit, to cause such further Allowance to be made to any such Clerk as aforesaid of any Sum not exceeding One Penny in the Pound on the Amount of such Part of the gross Assessment as shall have been discharged on Occasion of Claims for Exemption or Abatement made or allowed on the Ground of Income being below One hundred and fifty Pounds and One hundred Pounds a Year respectively as the said last-mentioned Commissioners shall, on Consideration of the Extent and Population of the District, and the Number of such Claims, think proper to direct; and the Certificate of the Commissioners of Inland Revenue shall be an Authority to the Officers for Receipt respectively to pay such further Allowance as last mentioned.

Section 2. of 16 & 17 Vict. c. 117. relating to Redemption of Land Tax repealed.

III. And whereas by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seventeen, Section Two, it is enacted, that upon the Completion of any Contract entered into after the passing of the said last-mentioned Act for the Redemption of Land Tax, and upon the Transfer or Payment of the Consideration for the same, the Messuages, Lands, Tenements, or Hereditaments comprised in such Contract shall be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and from any yearly Term, Rent, or Rentcharge in respect of any Consideration for such Contract: Be it enacted, That the said last-recited Enactment, so far as regards any such Contract as aforesaid to be entered into at any Time after the passing of this Act, shall be and the same is hereby repealed.

Parishes or Places may be united for the more convenient Execution

IV. And for the more convenient Execution of the Acts relating respectively to the Land Tax, the Assessed Taxes, and the Income Tax, be it enacted, That it shall be lawful for the Commissioners acting in the Execution of the Acts relating to the Land Tax for any Division,

of the Acts relating to the Land Tax, &c.

Division, at any Meeting of such Commissioners convened for that Purpose, if and as they shall see fit (subject as herein provided), to unite any Two or more Parishes, Townships, Tithings, Hamlets, or Places (extra parochial or otherwise), for the Purpose of the more convenient Execution of the said several Acts relating to the said Taxes respectively, and to certify such Union to the Commissioners of Inland Revenue, for the Approbation of the Commissioners of Her Majesty's Treasury; and if the said last-mentioned Commissioners shall approve of such Union, such Approbation shall be certified by the Commissioners of Inland Revenue to the respective Commissioners acting in the Execution of the several Acts relating to the several Taxes aforesaid respectively; and thereupon, and from and after such Time as shall be fixed by such last-mentioned Certificate, such united Parishes, Townships, Tithings, Hamlets, or Places shall, for all the Purposes of the said several Acts and Taxes respectively, be considered as One Parish or Place only, and the said respective Commissioners shall execute the said Acts with respect to such united Parishes, Townships, Tithings, Hamlets, or Places as if the same were One Parish or Place only: Provided always, that nothing herein contained shall extend to authorize any Alteration of the Quota of Land Tax now chargeable by Law on any Parish or Place.

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United Kingdom of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or Funds are divided into Shares, and transferable, or made for the Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy, Commissioner, Mandatory, or otherwise, at any Parish Meeting of Heritors or Proprietors of Real or Heritable Property in *Scotland*, the Stamp Duty of Sixpence.

Provision in Section 6. of 7 Vict. c. 21. and other Stamp Acts to be applied to the new Duties.

II. The Provision contained in Section Six of the Act passed in the Seventh Year of Her Majesty's Reign, Chapter Twenty-one, relating to Instruments for appointing Proxies, thereby charged with a certain Stamp Duty, and also, so far as the same shall be applicable, and shall not be inconsistent with such Provision, all other Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description, shall, for and in the raising, levying, collecting, and securing of the Duties hereby granted, and otherwise in relation thereto respectively, have full Effect, and be observed, applied, allowed, enforced, and put in execution with respect to the last-mentioned Duties, and to the Vellum, Parchment, and Paper, Matters and Things, charged and chargeable therewith, and to the Persons signing, or voting or acting, or attempting to vote or act, under any such Instrument, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated, and specially enacted with reference to the Duties hereby granted, and the Instruments charged or chargeable therewith.

Power to Treasury to authorize Articles to be stamped on the Terms stated.

III. And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, Chapter Forty-four, it is enacted, that it shall not be lawful for the Commissioners of Stamps or any of their Officers to stamp, under any Pretence whatever, after the Expiration of Six Months from the Date thereof, any Vellum, Parchment, or Paper upon which shall be engrossed, printed, or written any Articles of Clerkship, Contract, Indenture, or other Instrument, whereby any Person shall become bound to serve as a Clerk or Apprentice, in order to his Admission as a Solicitor, Attorney, Proctor, Writer to the Signet, Agent, or Procurator in any of the Courts of Law or Equity, or the High Court of Admiralty, or any Ecclesiastical Court, or the Courts of Session, Justiciary, Exchequer, Commission of Teinds, or the Commissary Court, or any Inferior Court in *Great Britain*: Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue, notwithstanding the said last-mentioned Act, in any Case where they shall be directed so to do by the Commissioners of Her Majesty's Treasury, to stamp any such Instruments as last mentioned, upon Payment of the Duty chargeable thereon at the Date thereof,

thereof, and of such further Sum as herein-after specified by way of Penalty, and in lieu of all other Penalties; that is to say,

As to any such Instrument bearing Date and executed before the Fifth Day of *August* One thousand eight hundred and fifty-three, the Sum of Twenty Pounds;

As to any other such Instrument where the same shall be brought to be stamped within the Period of One Year from the Date thereof, the Sum of Ten Pounds;

After One Year and within Two Years, Twenty Pounds;
After Two Years and within Three Years, Thirty Pounds;
After Three Years and within Four Years, Forty Pounds;
And after Four Years, Fifty Pounds.

Admissions to the Freedom of the City of London by Redemption exempted from Stamp Duty.

IV. Whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to repeal the Stamp Duty now paid on Admissions to the Freedom of Corporations in England*, it was enacted, that after the passing of that Act no Stamp Duty should be chargeable on the Admission of any Person entitled to take up his Freedom by Birth or Servitude in any City or Borough in *England* returning a Member or Members to serve in Parliament: And whereas in the City of *London* the Right to vote in Ward Elections is vested in the Freemen Occupiers, and it is expedient that all Impediments to the Admission of Occupiers in the City of *London* to the Freedom of the City of *London* by Redemption for that Purpose should be removed, and that the Stamp Duty payable on such Admission should be abolished: Be it enacted, That from and after the passing of this Act no Stamp Duty shall be chargeable on the Admission of any Person to the Freedom of the City of *London* by Redemption: Provided always, that this Act shall not repeal any Stamp Duty now payable on the Admission to the Freedom of any Company.

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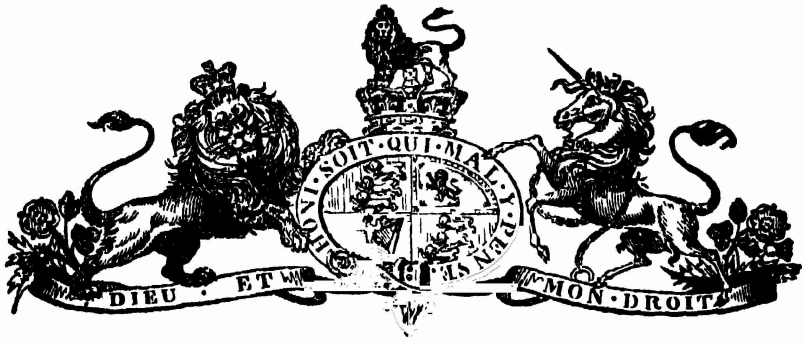

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New Duty on Race-horses imposed in lieu of that repealed.

II. In lieu of the said Duty hereby repealed, there shall be charged and paid, for the Use of Her Majesty, Her Heirs and Successors, for every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, the Sum of Three Pounds Seventeen Shillings as the Duty for such Horse for One Year ending on the Fifth Day of *April* next after the Day on which such Horse shall so start or run.

Duty imposed to be deemed an Excise Duty, and all Powers and Provisions of Excise Acts to be applied thereto.

III. The said Duty by this Act imposed shall be deemed to be a Duty of Excise, and all Powers, Provisions, Regulations, and Penalties contained in or enacted by any Act in force for securing Duties of Excise, or otherwise in relation thereto, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, levying, collecting, and securing the said Duty hereby imposed, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, Regulations, and Penalties were herein particularly repeated and re-enacted with reference to the said last-mentioned Duty.

Duty to be paid to the Clerk of the Course previously to the starting of the Race-horse.

Penalty on Owner refusing to pay the Duty, and not producing Receipt for previous Payment.

IV. The said Duty by this Act imposed shall be paid into the Hands of the Clerk of the Course, by or on behalf of the Owner of the Horse, previously to the starting or running of such Horse at any Race, and the said Clerk of the Course shall give a Receipt for such Duty in such Form and with such Particulars as herein-after mentioned, and the Production of such Receipt at any future Race during the Year ending as aforesaid shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the same Year; and if the Owner of any such Horse shall neglect or refuse to pay the said Duty to the Clerk of the Course previously to the starting or running of such Horse at any Race, and shall not, previously to such starting or running, produce and show to such Clerk of the Course a proper Receipt for the said Duty previously paid in respect of the same Horse in the same Year, such Owner shall for every such Neglect or Refusal forfeit the Sum of Fifty Pounds.

Clerk of the Course to demand the Duty previously to the starting of any Race-horse.

V. Every Clerk of the Course shall, previously to the starting of any Horse at any Race, demand of the Owner or other Person having the Care or Control of such Horse the said Duty by this Act imposed, or the Production of a proper Receipt for the said Duty, if the same shall have been paid for the same Horse at any former Race within the same Year ending as aforesaid; and unless the said Duty shall be paid to the said Clerk of the Course, or such Receipt as aforesaid be produced to him, he shall not allow such Horse to start or run at any Race.

VI. The

VI. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts, with Counterfoils, for the said Duty imposed by this Act, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race-horse and also of the Race for or in respect of which the said Duty shall be paid, and the Time and Place of holding such Race, and the Name of the Owner of such Horse, and also the Date of the Receipt of the said Duty by the Clerk of the Course; and the said Commissioners shall supply a proper and sufficient Number of such Forms to every Clerk of the Course who shall apply for the same.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.

VII. Every Clerk of the Course who shall receive the said Duty for any Race-horse shall give a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by him, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

Clerk of the Course to give Receipt for Duty on printed Forms, and fill up Counterfoil;

VIII. Every Clerk of the Course who shall have been supplied with any such Book of printed Forms of Receipts and Counterfoils shall be chargeable with and accountable for the same in manner herein-after mentioned, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Clerk of the Course, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Clerk of the Course, and not produced by him to such Officer, the said Clerk of the Course shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To be accountable for Forms of Receipts and Counterfoils supplied to him;

IX. Every Clerk of the Course shall twice in every Year, that is to say, within Ten Days after the First Day of *January* and the First Day of *July* in every Year, make out and deliver to the Commissioners of Inland Revenue, or to such Officer as they shall direct, a true and correct List, in such Form as the said Commissioners shall require or direct, of all the Horses which have started or run at any Race at which such Clerk of the Course officiated in that Capacity within the preceding Half Year, and shall specify in such List the Names by which

To make out Lists half-yearly of Race-horses which have started at Races at which he has officiated;

which such Horses were called or known, and the Names of their respective Owners, and also the Name or other Description of the Race, and the Date and Place of holding the same, and shall distinguish in such List the Horses in respect of which the Duty was paid to such Clerk of the Course, and the Horses in respect of which Receipts were produced, showing the Payment of the said Duty to some other Clerk of the Course, and in the latter Case the Name of such Clerk of the Course, and the Place and Date of such Payment.

To pay over Monies to Collector of Inland Revenue;

X. The Clerk of the Course shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Collector of Inland Revenue, or to such other Officer as the Commissioners of Inland Revenue may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Clerk of the Course, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, the said Clerk of the Course shall have and be entitled to an Allowance at the Rate of One Shilling in the Pound on all such Monies paid by him as aforesaid, and such Allowance shall be paid to him by such Collector or other Officer, by Warrant of the said Commissioners.

To have an Allowance for due Payment and Performance of Duty.

Penalty on Clerk of the Course for Neglect of Duty.

XI. If any Clerk of the Course shall refuse or neglect to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Prohibition, Injunction, or Direction herein contained, he shall for every such Offence forfeit the Sum of Fifty Pounds.

Interpretation of Terms.

XII. The Term "Race-horse," used in this Act, shall be construed to mean any Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing; and the said Term "Race-horse," as well as the Term "Horse," used in this Act, shall be deemed to include also a Mare or Gelding; and in all Proceedings for the Recovery of the said Duty by this Act imposed, or of any Penalty in relation thereto, it shall be sufficient to designate any such Horse as aforesaid by the Term "Race-horse," without further or otherwise describing the same; and for the Purposes of this Act the Person by whom or in whose Name any Race-horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race-horse.

Extent of Act.

XIII. This Act shall not extend to *Ireland.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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Short Title.

I. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The Coast-guard Service Act, 1856."

Interpretation of the Terms herein set forth.

II. In this Act the Words and Expressions following shall have the Meanings hereby respectively assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"The Commissioners of the Admiralty" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or any Two or more of them, and the Lord High Admiral, when Her Majesty shall be pleased to appoint a Lord High Admiral:

"Commissioners of the Treasury" shall mean the Lords Commissioners for executing the Office of the Lord High Treasurer:

"The Commissioners of the Customs" shall mean the Commissioners of Her Majesty's Customs:

"The existing Coast Guard" shall mean the Officers and Men who shall be employed in the Service commonly called the Coast-guard Service and in the Revenue Cruisers on the Day to be named in Writing by the Commissioners of the Treasury, as herein-after mentioned:

"The Coast Guard" shall mean the Officers and Men to be employed and maintained by the Commissioners of the Admiralty under the Authority of this Act:

"Person" shall include any Body Politic or Corporate as well as any Individual:

"Lands" shall include all Lands, Tenements, and Hereditaments, and every Estate, Right, Title, and Interest therein.

Coast Guard, after Order from Treasury, shall be raised and governed by Admiralty.

III. From and after such Day as shall be named for that Purpose by the Commissioners of the Treasury, by Writing under their Hands, such Number of Officers and Men as the Commissioners of the Admiralty may from Time to Time think fit (but so that the whole Number of Officers and Men constituting the Coast Guard shall not at any One Time exceed Ten thousand) shall be employed, raised, maintained, equipped, and governed by the Commissioners of the Admiralty, and such Officers and Men shall be and constitute and form the Coast Guard; and the Commissioners of the Admiralty shall and may have and exercise over and with reference to the Coast Guard all the Powers, Authorities, Control,

Control, Government, Rights, Privileges, and Immunities which shall be vested in or which may be had or exercised by any Person or Persons whomsoever over or in any way affecting the existing Coast Guard.

Lands held for existing Coast-guard Service to be vested in Admiralty.

IV. All Lands held for the Purposes of the existing Coast-guard Service under the Authority of any Act or otherwise, and all other Property whatsoever held, possessed, or used for the like Purposes, shall, from and after such Day as shall be named by the Commissioners of the Treasury as aforesaid, become and be vested in and be the Property of the Commissioners of the Admiralty, in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the Commissioners of the Admiralty may from Time to Time sell, exchange, or otherwise dispose of to such Persons as they shall think fit any Lands which may become vested in them under the Authority of this Act, or in the Exercise of the Powers thereby given, and the Monies payable on or by reason of such Sales, Exchange, or Disposal shall be paid to Her Majesty's Paymaster General for the Time being (or to such other Person as the said Paymaster General shall appoint), and the Receipt of such Paymaster General (or other Person) endorsed on the Conveyance or Assignment shall be an effectual Discharge.

Power to Admiralty to acquire Lands for Coast-guard Stations.

V. The Commissioners of the Admiralty may from Time to Time, by any Writing under their Hands, authorize any Person to survey and mark out any Lands not exceeding Three Acres, at or for any One Coast-guard Station which may be wanted for the Purposes of the Coast-guard Service, with all necessary Ways unto and from the same, and may authorize any Person, by Warrant, to treat and agree with the proper Parties for the Purchase of such Lands, or the Possession thereof; and the Sections of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and seven, numbered respectively from Three hundred and thirty-six to Three hundred and forty-five (each inclusive), and all Sections of other Acts therein mentioned, shall be and are hereby incorporated with this Act; and whenever in any of the Sections of any Act so hereby incorporated the Expression "the Commissioners of the Treasury," or the Expression "the Commissioners of Customs," shall occur, each of such Expressions shall for the Purposes of this Act be deemed and taken to mean the Commissioners of the Admiralty, and whenever in any of such Sections the Expression "the Officers of Customs" shall occur, such Expression shall for the Purposes of this Act be deemed and taken to mean Officers of the Coast Guard.

VI. All

Powers, &c. of existing Coast Guard to be vested in Coast Guard.

VI. All Laws for the Protection of the existing Coast Guard, and all Rights, Authorities, Powers, Privileges, and Immunities which shall be vested in or may be had or exercised by them, shall be applicable to and be vested in and had and exercised by the Coast Guard.

Coast Guard to have certain Privileges as Persons serving in the Fleet.

VII. All Officers and Men employed in the Coast Guard, and borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, shall have the same Privileges of making Allotments of Wages, and of making Remittances, and otherwise have the Benefit of and be subject to the Provisions of the Laws relating to the Pay of Her Majesty's Navy, in like Manner as Officers and Men of their respective Ratings in Her Majesty's Navy, and the Laws concerning the Discharge of Seamen serving on board Her Majesty's Ships, and becoming entitled to be discharged, (except as altered or affected by this Act,) shall be applicable to the Discharge of any of such Officers and Men becoming entitled to be discharged; and Time served in the Coast Guard shall be reckoned and count for the Purposes of Pensions to such Men, as if such Men had served the same Time as Men in Full Pay and actual Service in Her Majesty's Fleet.

Coast Guard borne on Books of Vessels of War to be subject to the same Laws and Customs as Persons serving in the Fleet.

VIII. All the Laws, Statutes, Articles, Orders, and Customs for the Time being in force for the Government of Her Majesty's Ships and Vessels and Forces by Sea, and applicable to any Offence, or the Trial and Punishment of any Offence, committed on the Main Sea, or elsewhere, by any Person in or belonging to the Fleet, or by any Person in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels of War, shall be applicable to such of the Officers and Men of the Coast Guard as shall from Time to Time be borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, and to the like Offences by them committed in any Place whatsoever, whilst serving in the Coast-guard Service on shore; and every Officer of the Coast Guard authorized by the Commissioners of the Admiralty, by Commission or Warrant under their Hand, shall from Time to Time have and exercise over the Petty Officers and Men of the Coast Guard under his Command borne on any Ship's Books as aforesaid, and serving in such Coast-guard Service on shore, such and the like Powers of ordering and inflicting Punishment of Offences by such Officers or Men in any Place whatsoever committed, as by the Laws and Customs of Her Majesty's Navy, or by any Act of Parliament, or otherwise, may for the Time being be lawfully had and exercised by any Officer commanding any of Her Majesty's Ships and Vessels of War over the Petty Officers and Men thereof

As to summary Punishment.

thereof in respect of Offences by them committed; and when any Petty Officers or Men of the Coast Guard shall be punished by Imprisonment under any Sentence or Order of any such Officer of the Coast Guard, they may be imprisoned in any of Her Majesty's Gaols, or in any House of Correction, or in any other Prison in which Petty Officers or Men serving in Her Majesty's Navy may for the Time being lawfully be imprisoned by Sentence or Order of any Officer commanding any of Her Majesty's Ships or Vessels, but no such Order for Imprisonment to be made by any such Officer of the Coast Guard so authorized as aforesaid shall have any Force or Effect until the same shall have been approved of by Writing under the Hand of the Officer of the Coast Guard for the Time being commanding the District within which the Offence shall have been committed; and all Petty Officers and Men of the Coast Guard, when so sentenced or ordered to be imprisoned, or when so imprisoned respectively, shall be deemed and taken to be within the Provisions, as to Persons sentenced to be imprisoned or imprisoned respectively, of an Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Sixty-two, which Act, and the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-nine, shall, so far as the same are or may be applicable, be respectively incorporated with this Act, and be held to apply to the Officers and Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore.

Constitution of Court-martial.

IX. Any Court-martial constituted according to the Act of the Twenty-second Year of the Reign of His late Majesty King *George* the Second, Chapter Thirty-three, shall be a Court-martial properly constituted for the Trial of Offences committed by any Officers or Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore, wheresoever such Offences shall or may be committed.

Officers of Coast Guard may command Royal Naval Coast Volunteers.

X. The Officers of the Coast Guard shall be deemed and taken to be Officers by whom the Royal Naval Coast Volunteers may be instructed, trained, and exercised, and to whose Command such Volunteers may be made subject, under the Provisions of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventy-three.

Act may be registered in Guernsey and Jersey.

XI. This Act shall extend to the *Isle of Man*, and to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and their Dependencies, and shall be

be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

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VICTORIÆ REGINÆ.

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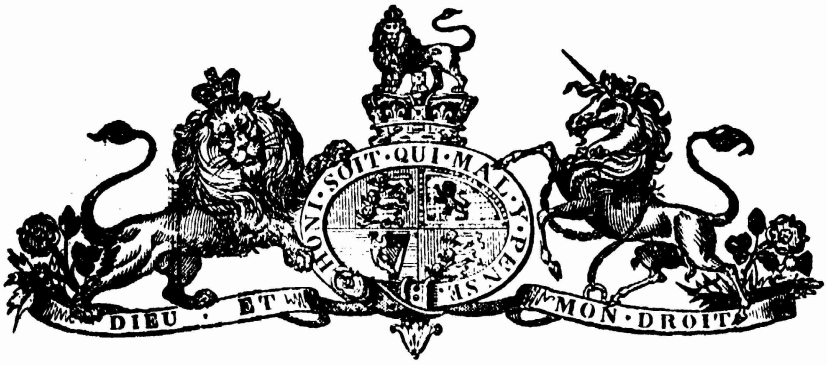

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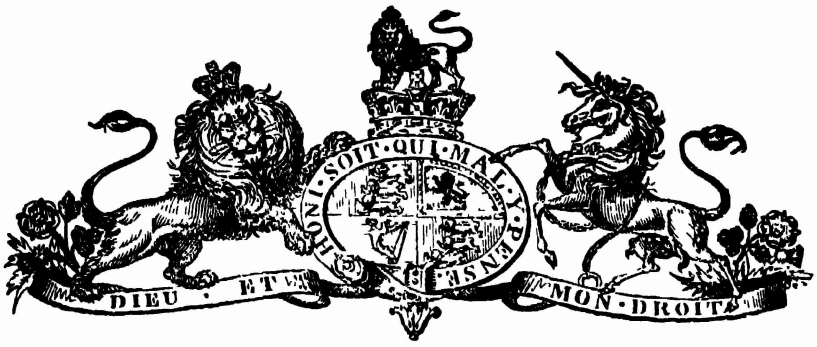

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CAP. LXXXVI.

An Act to abolish the Office of Cursitor Baron of the Exchequer. [29th *July* 1856.]

WHEREAS the Office of Cursitor Baron of Her Majesty's Court of Exchequer at *Westminster* is now vacant by the Death of the Right Honourable *George Bankes*, and the Duties thereof having for the most part ceased, it is expedient that such Office be abolished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Office of Cursitor Baron is hereby abolished, and any Duty or Act which might have been performed or done by such Cursitor Baron if this Act had not been passed shall and may be performed and done by the said Court, or any Baron of the Coif, or any Officer of the said Court of Exchequer, in such Manner and at such Times as the said Court or the Lord Chief Baron thereof shall from Time to Time direct. Office abolished.

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CAP. LXXXVII.

An Act to amend the Lunatic Asylums Act, 1853.

[29th *July* 1856.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recorder to appoint Two Justices to be Members of the Committee of Justices of the County for providing an Asylum.

I. Where a Committee is or shall hereafter be appointed to provide an Asylum for any County under the Lunatics Asylum Act, 1853, the Recorder of every Borough now or hereafter annexed to such County for the Purposes of the said Act shall, at the General or Quarter Sessions next after such Appointment as aforesaid, or where such Committee has been already appointed, shall, at the General or Quarter Sessions next after the passing of this Act, appoint Two Justices of such Borough to be Members of such Committee.

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John Lord Bishop of *Chester*, the Right Honourable *Edward Henry Stanley* commonly called Lord *Stanley*, the Right Honourable *Matthew Talbot Baines*, Vice-Chancellor Sir *William Page Wood* Knight, the Right Honourable Sir *Laurence Peel* Knight, the Very Reverend *George Peacock* Dean of *Ely*, and the Reverend *Charles John Vaughan* Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and fifty-nine, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and sixty, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of *Cambridge* or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the Sixth Day of *November* One thousand eight hundred and fifty-six, all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of *November* One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University,

University, and Eight other Members of the Senate, such Eight Members to be chosen from the Electoral Roll herein-after mentioned, and such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on such Electoral Roll: Provided always, that there shall never be more than Two Members of the same College among such Eight elected Members.

VII. The Vice-Chancellor shall on or before *Monday* the Thirteenth Day of *October* One thousand eight hundred and fifty-six, and also on or before the Second *Monday* in *October* in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of *Great Saint Mary's* Church for Fourteen Weeks at the least between the First Day of the preceding *Michaelmas* Term and the First Day of the said Month of *October;* and such List, together with the following Persons, (that is to say,) all Officers of the University, being Members of the Senate, the Heads of Houses, the Professors, and the Public Examiners, shall be the Electoral Roll of the University for the Purposes of this Act

Vice-Chancellor to promulgate Lists of Members of Senate.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Lists may be objected to and amended.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of *November* One thousand eight hundred and fifty-six, shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

As to vacating of Seats of Members of Council.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of

For Supply of periodical Vacancies in Council.

of *November*, or in case the Seventh of *November* should be *Sunday*, on the Eighth of *November* in every other Year, in the same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of *November* One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members vacating may be re-elected.

As to filling up of casual Vacancies.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal as many as shall be requisite to complete the Number of Heads of Colleges, Professors, or Members of the Senate to be then chosen.

Absence from Meetings for a certain Time to create a Vacancy.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of such Term become and shall be declared by the Vice-Chancellor to be vacant.

Member of Council becoming Vice-Chancellor not to vacate Seat.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any of the Eight Members of the Senate chosen from the Electoral Roll as aforesaid shall

shall afterwards cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation. Professors eligible.

XVI. The Vice-Chancellor shall, before the Tenth Day of *October* One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit. Vice-Chancellor to make Regulations respecting Council.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of *Cambridge*, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council. Power to Council to make Rules for Regulation of its own Proceedings.

XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of *November* One thousand eight hundred and fifty-six. Date of Meeting.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled. Who shall be President of the Council.

XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor, or the Vice-Chancellor or his Deputy, and the Majority of the Members present at any Meeting of Quorum of Council. Questions in the Council to be decided by the Majority.

of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Council to nominate to Offices.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One, in the Manner heretofore accustomed, to fill every vacant Office in the University to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths deemed illegal, and not to be administered.

XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence,

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the University to open their Residences for Reception of Students.

XXIII. Any Member of the University, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of *Great Saint Mary's* Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

Hostels.

XXIV. Every Person to whom such Licence is granted shall be called a Principal, and his Residence so opened as aforesaid shall be called a Hostel.

Power of University to make Statutes as to Hostels.

XXV. The University, before the First Day of *January* One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

For regulating the Terms and Conditions of granting Licences to Principals, and the Qualifications of such Principals:

For

For the Government of Hostels, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Principal, or of the Withdrawal or Suspension of his Licence:

For punishing Neglect or Breach of Regulation on the Part of a Principal by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit:

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the First Day of *January* One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Hostels, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Power to Colleges to frame Statutes for certain Purposes.

XXVII. In order to promote useful Learning and Religious Education in the Colleges and University, and the main Designs of the Founders and Donors so far as is consistent with these Purposes, it shall be lawful for the Governing Body of any College, or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College:

3. For

3. For re-distributing or apportioning the divisible Revenues of the College:
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large:
5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation:
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:
7. For incorporating Bye-Fellowships with the original Foundation either in reduced Number or otherwise:
8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows:
9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time:

But all Statutes so made by the Governing Body of such College, or the major Part thereof, shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned: Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of *Mary Magdalen College*, unless the Consent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headships.

XXVIII. And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option: Be it enacted, That it shall be lawful for the Governing Body of any College or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the

the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes, and also all Statutes made by any College under the Powers of the Twenty-seventh Section of this Act, shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statutes Commissioners may frame them.

XXIX. If the Powers granted in the Twenty-seventh Section shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College, or the major Part thereof, to the Commissioners, and approved of by them, before the First Day of *January* One thousand eight hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months at least before the same are submitted to Her Majesty in Council, as herein-after directed; and if within the next Two Calendar Months, or where the Statutes shall have been laid before the College and Visitor in Vacation then within Two Months after the First Day of the following Term, Two Thirds of the Governing Body of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

University may frame new Statutes.

XXX. The Council of the Senate may prepare or cause to be prepared new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University:

2. Or, in order to promote useful Learning and Religious Education, and the main Designs of the Founders and Donors so far as is consistent with these Purposes, for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of Lady *Sadler* for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of *William Worts* for Bachelors of Arts:

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council, as herein-after mentioned; but no Statute framed by the Council for altering or modifying the Trusts, Statutes, or Directions affecting the Endowments held by the Regius Professors of *Greek*, *Hebrew*, or Divinity, and which affect or alter any Statute of *Trinity College* touching such Professors or their Endowments, shall be submitted to the Senate until it shall have received the Assent of the said College under its Common Seal.

Commissioners may frame University Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of *January* One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed: Provided always, that any such Statutes framed by the Commismissioners shall be laid before the Council of the Senate Two Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed; and if within the next Two Calendar Months, or if such Statutes shall be laid before the Council in Vacation, then within Two Calendar Months from the First Day of the following Term, Two Thirds of the whole Council shall, by Writing under their Hands and Seals, declare that in their Opinion any One or more of such Statutes will be prejudicial to the University as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose, and so on as often as Occasion shall require.

XXXII. The

Cambridge University.

XXXII. The University may provide by Statute that Members of the Senate may vote at any Election of a Chancellor or High Steward of the University by Proxy, such Proxy being a Member of the Senate authorized by an Instrument in Writing signed by the Member nominating such Proxy; but no Member shall be entitled to vote as a Proxy unless the Instrument appointing him has been transmitted to the Vice-Chancellor not less than Forty-eight Hours before the Time appointed for holding such Election of a Chancellor or High Steward, as the Case may be; and such Instrument may be in the Form contained in the Schedule to this Act annexed.

Votes may be given by Proxy.

XXXIII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College, or the major Part thereof, or by the Commissioners, to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College, now lawfully belonging to any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholarship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.

or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid; provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIV. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes objected to by Governing Body of College, &c. to be laid before Parliament.

XXXV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

XXXVI. And

XXXVI. And whereas by the Statutes of *Trinity College* and the Laws and Practice of *Westminster School* certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, or the major Part thereof, with the Sanction of the Dean and Chapter of *Westminster*, signified by Writing under their Common Seal, may make and lay before the Commissioners any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners, for or towards his Maintenance, from the Time of his commencing his Residence in the said College and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and the said Dean and Chapter may frame Statutes, with the Consent of *Trinity College* and of *Christ Church College, Oxford*, as to the Studies to be prosecuted in the said School, and the Mode of electing the Head Master and Under Master thereof, and may frame Statutes, with the Consent of *Trinity College*, as to the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Statutes as to Scholarships in Trinity College appropriated to Scholars of Westminster School.

XXXVII. And whereas certain Scholarships at *Pembroke College*, called the *Grindal* Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of *Saint Beghes* or *Saint Bees* in the County of *Cumberland*, and a certain Fellowship at the said College, called the *Grindal* Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keepers or Wardens and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of *June* in the Fourth Year of the Reign of His late Majesty King *James* the First, and made between

Statutes as to the Grindal Fellowship and Grindal Scholarships at Pembroke College.

between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at *Croydon* in the County of *Surrey*, called "*Palmer's Fields*," were demised by the Keepers or Wardens and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Body of the said College or the major Part thereof, with the Consent of the Governing Body of the said School, to make and lay before the Commissioners Statutes for abolishing the aforesaid Preference of the said School, and for converting the said *Grindal* Fellowship and *Grindal* Scholarships partly into open Scholarships and partly into Exhibitions, and for that Purpose to charge the Revenues of the said College with the Payment to the said School of an annual Sum, to be applied in providing such Exhibitions for meritorious Scholars educated at the said School, and proceeding to any College in the University of *Cambridge;* and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands called "*Palmer's Fields*" to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

College of King Henry the Sixth at Eton to be subject to this Act with respect to Colleges.

XXXVIII. The College of King *Henry* the Sixth at *Eton* shall, for the Purposes of this Act, be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University.

Statutes to be laid before the Queen in Council.

XXXIX. All Statutes which, under the Power herein contained, shall be made by the Governing Body of any College or the major Part thereof, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners, under the Powers herein-before contained, for the Regulation of Hostels, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, as to Statutes made by the Commissioners, and

and liable to be objected to in manner aforesaid, after the Expiration of the Period within which the same may be objected to, and as to all other Statutes without any unnecessary Delay, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette;* and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

XL. All Statutes which shall be so published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof, to which such Address shall not relate, or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of *Cambridge*, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, it shall be lawful for Her Majesty to signify Her Disapproval of such Statutes or such Part thereof by Order in Council, and then the Commissioners may thereupon proceed to frame other Statutes in that Behalf, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Statutes by the Commissioners, and so on from Time to Time as often as Occasion shall require.

Statutes to be laid before Parliament.

XLI. After

Statutes made by Queen Elizabeth in 1570 for Regulation of University repealed.

XLI. After the First Day of *January* One thousand eight hundred and sixty, the Statutes made by Queen *Elizabeth* in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

Power to the Chancellor to settle Doubts as to Meaning of University Statutes.

XLII. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registrary of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes to be subject to Repeal, &c.

XLIII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, or respecting Hostels, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIV. No Person who after the passing of this Act shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree;

XLV. From the First Day of *Michaelmas* Term One thousand eight hundred and fifty-six, no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration or Subscription whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is *bonâ fide* a Member of the Church of *England*, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the

the University or elsewhere, which has been heretofore always held by a Member of the United Church of *England* and *Ireland*, and for which such Degree has heretofore constituted One of the Qualifications.

XLVI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-six, it shall not be necessary for any Person, on obtaining any Exhibition, Scholarship, or other College Emolument available for the Assistance of an Undergraduate Student in his Academical Education, to make or subscribe any Declaration of his Religious Opinion or Belief, or to take any Oath, any Law or Statute to the contrary notwithstanding.

nor on obtaining any Exhibition, Scholarship, or other College Emolument.

XLVII. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Stamp Duties on Matriculations, &c. abolished.

XLVIII. It shall be lawful for any College, with the Consent of the Church Estates Commissioners, to sell any Estate in Lands or Hereditaments vested in such College, or to exchange any Estate in Lands or Hereditaments for any other Lands or Hereditaments, or either of them, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale or Exchange shall be received by or become payable to or for the Benefit of such College shall be paid into the Bank of *England*, for the Benefit of such College, to such Account as the said Church Estates Commissioners shall appoint in that Behalf; and the Receipt of the said Church Estates Commissioners shall be an effectual Discharge to any Purchaser for any Money therein expressed to be received, and shall be Evidence of their Consent as aforesaid; and all Monies so paid into the Bank of *England* shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such College, shall be held by the College upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested, by and in the Names of the said Church Estates Commissioners, in the Purchase of Government Stocks, Funds,

Colleges, with Consent of Church Estate Commissioners, may sell Estates, &c.

 or

or Securities, which the said Church Estates Commissioners shall hold in trust for such College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, and Securities was produced: Provided that nothing in this Section contained shall apply to any Estate of the College in reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.

Powers of University to continue in force, except as altered by this Act.

XLIX. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

L. In the Construction of this Act, the Expression "University or College Emolument" shall include all Headships, *Downing* Professorships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of *Hebrew*, *Greek*, and Divinity, and Public Readers or Lecturers in the University, except the *Barnaby* Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, and in *Downing College* shall mean the Head, Professors, and all actual Fellows thereof, Bye-Fellows excepted, being Graduates; and the Word "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations; and the Word "Vacation" shall be taken to include that Part of *Easter* Term which falls after the Division of Term.

LI. The

LI. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of *Cambridge* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

Parts of Lands Clauses Act, 1845, incorporated herewith.

LII. The several Powers given by Sections Twenty-seven, Twenty-eight, Twenty-nine, Thirty, and Thirty-one of this Act may be exercised, notwithstanding anything contained in any Act of Parliament, Decree, or Order constituting, either wholly or in part, an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any Foundation or Endowment.

Powers given by Sections 27, 28, 29, 30. and 31. may be exercised, notwithstanding any Act, Decree, or Order.

LIII. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable for the Purposes of this Act to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

Elections to Emoluments may be suspended by Commissioners.

SCHE-

SCHEDULE

A.B., a Member of the Senate, doth hereby appoint *C.D.*, a Member of the Senate, to be the Proxy of the said *A.B.* in his Absence, and to vote in his Name at the Election of a Chancellor, *or* High Steward, *as the Case may be*, for the University of Cambridge, on the Day of next, in such Manner as he the said *C.D.* may think proper. In witness whereof the said *A.B.* hath hereunto set his Hand, the Day of

(Signature) *A.B.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIX.

An Act to abolish certain unnecessary Forms in the framing of Deeds in *Scotland*.

[29th *July* 1856.]

WHEREAS an Act of the *Scottish* Parliament was passed in the Sixth Session of the First Parliament of His Majesty King *William*, intituled *Act allowing Securities, &c. to be written Bookways*, which Act statutes and ordains that it shall be lawful to write any Contract, Decreet, Disposition, Extract, Transumpt, or other Security by way of Book, in Leaves of Paper, provided that every Page be marked by the Number, first, second, &c., and signed, and that the End of the last Page make mention how many Pages are therein contained, in which Page only Witnesses are to sign in Writs and Securities, where Witnesses are required by Law: And whereas the Safeguards prescribed by the said Act, other than the said Provision as to marking every Page by Number, have been found in Practice to be of themselves amply sufficient for the Purposes thereof, and the said Provision as to marking every Page by Number has been very generally neglected in Practice, and it would therefore be beneficial to and for the Security of the Public that the same should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Act of Parliament of Scotland, 1696, c. 15.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

After Sept. 1, 1856, Pages of Deeds and Writings need not be marked by Numbers.

I. That from and after the First Day of *September* in the Year One thousand eight hundred and fifty-six it shall not be competent to institute or to insist in or maintain any Challenge of or Exception to any Deed or Writing aforesaid, or any Deed or Writing of any Description whatever, on the Ground that the Pages thereof are not marked by Numbers; and it shall no longer be necessary to mark the Pages of any Deed or Writing by Numbers, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to affect any Question which may have been in dependence in any Court prior to the passing of this Act, or any Judgment already pronounced, or any Decreet which has already gone out, or the Provision of the said recited Act, or of any other Act or Acts of Parliament, as to mentioning in the Testing Clause the Number of the Pages of which the Deed consists, or the Provision as to signing each Page of the Deed, or any other Provision of the said recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. XC.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [29th *July* 1856.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Retired Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, also to Adjutants, Paymasters, Surgeons, and Quartermasters of the Regular Militia who have been allowed to retire, and to Adjutants disabled after long Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia

Secretary of State for War to issue

Militia Pay.

the Money required for Pay of Regular Militia.

Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

For each Adjutant of Infantry, Eight Shillings, and of Artillery, Nine Shillings:

For each Quartermaster, where One is appointed in Corps consisting of not less than Three hundred and sixty Private Men, Five Shillings *per Diem;* and of less than Three hundred and sixty Private Men, Three Shillings and Sixpence *per Diem:*

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, One Shilling, and under Sixteen Years of Age, Tenpence:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar

Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Department Stores.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

Arms may be deposited in War Department Stores, by Order of Secretary of State for War.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is

In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and,

in his Absence, of the Serjeant Major.

is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - -	0	15	11	0	15	11
Major - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - -	0	6	6	0	6	6
Ensign - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards*	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies* -	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards* - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies* - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff)	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
" (if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men) -	0	3	0	0	3	0
Surgeon - - - -	0	11	4	0	11	4
Assistant Surgeon - - - -	0	7	6	0	7	6
Serjeant Major* - - -	0	0	2¾	0	0	6
Quartermaster Serjeant* - - -	0	0	4¾	0	0	4
Paymaster Serjeant* - - - - -	0	0	4¾	0	0	4
Serjeant (if on the Permanent Staff) - -	0	0	0¾	0	0	4
" (if not on the Permanent Staff) - -	0	1	6¾	0	2	6
Corporal - - - -	0	1	2¼	0	1	4¼
Drummer, Bugler, or Trumpeter - - -	0	0	1	0	0	3
Private - - - -	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - - -	0	0	1	0	0	1

* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

VII. Volunteers

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, all such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, That I
'formerly served as a in the
'Militia; that I am not in Holy Orders; and that from the
'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions
'of Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Form of Declaration.

IX. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains,

Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1857.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-six, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XIV. And whereas certain Adjutants are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem:* All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-six to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven.

Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26G.3.c.107

Proviso.

XVI. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same

Allowances to Adjutants, Surgeons, and Quartermasters.

same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances granted to Adjutants on Completion of certain Periods of Service.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit

Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as
' Adjutant in the of Local Militia at the Reduction of
' the Staff of the said Militia in One thousand eight hundred and
' twenty-nine; and that I was not in Holy Orders during any Part of
' the Period for which I now claim to receive an Allowance, that is to
' say, from the Day of One thousand eight
' hundred and to the Day of One
' thousand eight hundred and ; and that I did not
' hold or enjoy, nor did any Person for me hold or enjoy, during any
' Part of the said Period, any Place, Office, or Employment of Profit,
' Civil or Military, under the Crown or any other Government,
' besides the Allowance of a Day now claimed,
' except my Half Pay as a [of the Army *or* Navy
' *or* Marines, *or* of a Provisional Battalion formed from the Militia,
' *as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming

claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in *Great Britain*, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet,*)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland.*

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

XXII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

Declaration to be made by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea, nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such

Bills drawn for Pay, &c. may be on

unstamped Paper.

such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-six until the First Day of *September* One thousand eight hundred and fifty-seven.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - -	2	2	0

The actual Expense incurred in printing or advertising, and for Postage, may be charged.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. XCI.

An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King *George* the Third, relating to Judicial Procedure and Securities for Debts in *Scotland*.

[29th *July* 1856.]

WHEREAS a Bill has been brought into Parliament, intituled *A Bill to consolidate and amend the Laws of* Scotland *regarding Insolvency and Bankruptcy*, by which it is proposed to repeal the Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and thirty-seven, and it is expedient that certain Provisions therein contained relating to Judicial Procedure and Securities for Debts in *Scotland* should be amended and re-enacted: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Effect of Arrestments executed as in the Hands of Persons out of Scotland.

I. An Arrestment executed to attach the Effects of a Debtor, as in the Hands of a Person out of *Scotland*, shall not be held to have interpelled such Person from paying to the original Creditor, unless Proof be made that he, or those having Authority to act for him, were previously in the Knowledge of such Arrestment having been so used.

II. The

Court of Session may regulate Judicial Sales of Estates.

II. The Court of Session shall have full Power to make Acts of Sederunt for abridging the Forms of Publication and Citation, and regulating the Proceedings in Processes of Sale, Ranking, and Division, whether at the Instance of Creditors or of apparent Heirs; and in every Case of a Sale under the Authority of the Court of Session it shall be lawful for the Purchaser, at any Term of *Whitsunday* or *Martinmas* subsequent to the Term of Payment of the Price, to lodge the Price, with the Interest due upon it, in any Joint Stock Bank of Issue in *Scotland*, at such Interest as can be procured for it, by doing which, and by giving Notice thereof to the Agent who carried on the Sale, he shall be discharged of the said Price; and further, the Court of Session, upon the Application of any of the Creditors, shall be empowered to make an Order on the Purchaser to lodge the Price and Interest, at any of the said Terms subsequent to the Term of Payment, in one or other of the said Banks, sufficient Intimation being always previously given, both to the Purchaser and to the common Agent for the Creditors, that such Application is made, in order that all Parties may have an Opportunity to object; and in all Cases of Judicial Sales the Lands or other Heritable Property may be brought to actual Sale, so soon as the necessary previous Steps are taken, whether the Ranking be concluded or not, unless the Court, upon Application of any Party concerned, shall find sufficient Cause to delay the Sale.

Sales may precede Ranking.

What Proof of Insolvency necessary for Sales.

III. And whereas Doubts have arisen upon the Construction of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and ninety, Chapter Twenty, intituled *Act anent the Sale of Bankrupt's Lands*, in so far as it requires that the common Debtor be found bankrupt and utterly insolvent: Be it enacted, That a Judicial Sale at the Instance of Creditors may in all Cases proceed where the Interest of the Debts and the other annual Burdens exceed the yearly Income of the Property under Sale, or where a Sequestration shall have taken place, without other Proof of Bankruptcy or Insolvency.

Decree of Sale to be held as a General Decree of Adjudication.

IV. When the Estate of a Debtor is brought into the Court of Session by Process of Judicial Sale and Ranking, the Decree of Sale to be pronounced by the Court shall be held as a General Decree of Adjudication in favour of every Creditor who shall afterwards be included in the Decree of Division; and the Effect of such General Decree shall be the same in all Competitions, or Questions of Ranking and Preference, as if it had been pronounced and extracted of the Date of the First Calling of the Process of Sale before the Lord Ordinary in the Outer House, and no separate Adjudication shall be allowed to proceed during the Dependence of a Judicial Sale, and the Court is hereby authorized to settle, by an Act or Acts of Sederunt, in

in what Manner and at what Period or Periods the Principal Sums and bygone Interests of the Debts shall be accumulated, so as to do equal Justice to all concerned: Provided that it shall be competent to any Creditor who is in a Situation to adjudge to carry on the Action of Sale to its Conclusion, although deserted or abandoned by the original Pursuer.

Different Creditors may be joined in One Adjudication.

V. And in order to lessen the Number of Adjudications for Debt, and the Expense to all Parties, and to facilitate the *pari passu* Preference of Creditors in similar Circumstances, be it enacted, That the Lord Ordinary officiating in the Court of Session before whom the First Process of Adjudication against any Estate for Payment or Security of Debt is called shall ordain Intimation thereof to be made in the Minute Book and on the Wall, in order that any other Creditors of the common Debtor who at the next Calling of the Cause can show that, although they have not executed their Summonses of Adjudication, they are in other respects, by the Nature of the Grounds of Debt and Steps taken by them, in Condition to proceed in adjudging the common Debtor's Estate, may produce the Instructions of their Debts, with Summonses of Adjudication, libelled and signetted, for the Purpose of their being conjoined in the Decree of Adjudication, Twenty Sederunt Days being allowed for such Intimation before the Cause can be called a Second Time; and if any of those Forms shall happen to be omitted, such Adjudication shall be null and void, without Prejudice to its being brought forward again in more due Form, or still conjoined with any after Adjudication; and without Prejudice to the Validity and Order of ranking of posterior Adjudications according to the Rules of Law, when any after Process or Processes of Adjudication are brought into Court, the same shall be regulated, as to the Time and Manner of proceeding in them, by an Act or Acts of Sederunt of the Court of Session, so as to provide, as far as Circumstances will admit, for the *pari passu* Preference of such posterior Adjudications with one another, and to abridge the Number and Expense of such Proceedings; and in all Cases where Penalties for Nonpayment, over and above Performance, are contained in Bonds or other Obligations for Sums of Money, and are made the Subject of Adjudication, or of Demand in any other Shape, it shall be in the Power of the Court to modify and restrict such Penalties, so as not to exceed the real and necessary Expenses incurred in making the Debt effectual.

Mode of rendering an Adjudication effectual.

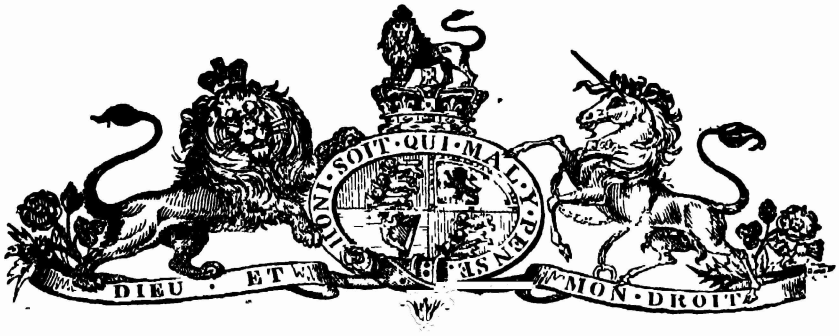
VI. And in order to fix more clearly in Time coming what Diligence is necessary to make an Adjudication effectual, be it enacted, That the lodging of a Draft Charter and Note in the Office of the Presenter of Signatures, in Terms of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Fifty-one, when the

the Holding is of the Crown, or the executing a Charge of Horning against Superiors, when the Holding is of a Subject, and recording a Copy of such Note and an Abstract of such Draft Charter, or such Charge, in the Register of Abbreviates of Adjudications, shall be held in all Time coming as the proper Diligence for the Purpose aforesaid.

Securities for Cash Accounts or Credits.

VII. It shall be lawful for any Person possessed of Lands or other Heritable Property, and desiring to pledge the same in Security of any Sums paid or Balances arising or which may arise upon Cash Accounts or Credits, or by way of Relief to any Persons who may become bound with him for the Payment of such Sums or Balances, although paid or arising posterior to the Date of the Infeftment, to grant Heritable Securities accordingly upon his Lands or other Heritable Property, containing Procuratory of Resignation and Precept of Sasine, for infefting any Bank or Bankers or other Persons who shall agree to give such Cash Accounts or Credits, or for infefting such Persons as shall become Cautioners for him, or jointly bound with him in such Cash Accounts or Credits: Provided always, that the Principal and Interest which may become due upon such Cash Accounts or Credits shall be limited to a certain definite Sum, to be specified in the Security, such definite Sum not exceeding the Amount of the Principal Sum, and Three Years Interest thereon at the Rate of Five Pounds *per Centum*: Provided also, that it shall be lawful for the Person to whom any such Cash Account or Credit is granted to operate upon the same by drawing out and paying in such Sums from Time to Time as the Parties shall settle between themselves, and that the Sasines or Infeftments taken upon such Heritable Securities shall be equally valid and effectual as if the whole Sums advanced upon such Cash Account or Credit had been paid prior to the Date of the Sasine or Infeftment taken thereon, and that any such Heritable Security shall remain and subsist to the Extent of the Sum limited, or any lesser Sum, until the Cash Account or Credit is finally closed, and the Balance paid up and discharged, and the Sasine or Infeftment renounced.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Appointment of Judge of Court of Appeal.

III. It shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to nominate and appoint a fit Person who shall have exercised the Office of High Chancellor of *Ireland*, or who shall have practised at the Bar for not less than Fifteen Years, to be a Judge of the Court of Appeal in Chancery, and every Judge so nominated and appointed shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such last-mentioned Judge from his Office upon an Address of both Houses of Parliament.

Court of Appeal.

IV. The Chancellor, together with such Judge for the Time being appointed under this Act, shall form the Court of Appeal in Chancery, and the Secretaries, Registrars, and other Officers appointed to attend the Chancellor shall attend the said Court of Appeal and the respective Judges thereof, as Circumstances shall require and the Chancellor shall direct.

Title and Rank of Judge of Appeal Court.

V. The said Judge shall be styled "Lord Justice of the Court "of Appeal in Chancery in *Ireland*," and shall as such have Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer in *Ireland*; provided, however, that if the said Judge shall have exercised the Office of High Chancellor of *Ireland* he shall rank next after the Chancellor for the Time being.

Oath of Office.

VI. Every Judge so appointed shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I do solemnly and sincerely promise
'and swear, That I will duly and faithfully, and to the best of my
'Skill and Power, execute the Office of Lord Justice of the Court
'of Appeal in Chancery. So help me GOD.'

Appeals from Master of Rolls to Court of Appeal.

VII. From and after the First Day of *January* One thousand eight hundred and fifty-seven all Decisions, Decrees, or Orders which shall thereafter be pronounced by the Master of the Rolls in any Suit shall be subject to Appeal to the said Court of Appeal; and it shall not be lawful to appeal to the Chancellor alone in relation to such Decisions, Decrees, or Orders as aforesaid, anything herein contained, or any Law or Usage to the contrary notwithstanding; and from and after the said First Day of *January* One thousand eight hundred and fifty-seven all Rehearings of Decisions, Decrees, or Orders

Orders made or to be made by the Chancellor shall be heard and determined by the said Court of Appeal: Provided, that nothing herein contained in relation to the said Court of Appeal shall apply to Appeals from Decisions, Decrees, or Orders of the Master of the Rolls pronounced antecedently to the said First Day of *January* One thousand eight hundred and fifty-seven, or to Appeals from the Masters, but such Appeals may be preferred as if the Provisions of this Act relating to the said Court of Appeal had not passed.

Powers and Jurisdiction of Court of Appeal.

VIII. From and after the First Day of *January* One thousand eight hundred and fifty-seven all the Jurisdiction of the Court which is now possessed and exercised, or which but for the passing of this Act would be possessed and exercised, by the Chancellor in Chancery, in relation to Appeals from the Master of the Rolls or such Rehearings as aforesaid, and all Powers, Authorities, and Duties, as well ministerial as judicial, incident to such Jurisdiction, now exercised and performed by the Chancellor, shall be then exercised and performed by the said Court of Appeal in relation to Appeals and Rehearings under this Act.

The Jurisdiction of Chancellor transferred to Court of Appeal in relation to Appeals.

IX. Where under any Act of Parliament any Jurisdiction is vested in the Chancellor, or any Power, Authority, or Duty is to be exercised or performed by the Chancellor, and under the Directions of any Act or by any Usage such Power, Authority, or Duty is or ought to be exercised or performed by the Chancellor acting judicially in the Court, all Orders made or to be made by the Chancellor in exercise of such Jurisdiction, Power, Authority, or Duty shall be subject to Appeal, and all such Jurisdiction, Power, Authority, and Duty, and the ministerial Powers and Authorities incident thereto or consequent thereupon, which are now exercised and performed by the Chancellor, shall from and after the said First Day of *January* One thousand eight hundred and fifty-seven be had, exercised, and performed by the said Court of Appeal in relation to Appeals and Rehearings under this Act: Provided always, that, save as regards Appeals and Rehearings under this Act, the Chancellor shall and may, whilst sitting alone, have and exercise the like Jurisdictions, Powers, and Authorities as might have been exercised by the Chancellor if no Court of Appeal in Chancery had been created by and no Judge of Appeals in Chancery had been appointed under this Act.

Appeals from the Incumbered Estates

X. All Appeals which by Section Fifty-one of the Act of the Twelfth and Thirteenth *Victoria*, Chapter Seventy-seven, or any Act amending

Court shall be to Court of Appeal.

amending or continuing the same, are authorized to be made from the Orders of the Commissioners or Commissioner for the Sale and Transfer of Incumbered Estates to the Privy Council in *Ireland*, shall from and after the said First Day of *January* One thousand eight hundred and fifty-seven be made to the Court of Appeal, and from and after the said First Day of *January* One thousand eight hundred and fifty-seven it shall not be lawful to make such Appeals to the Privy Council; and the Court of Appeal in Chancery shall have the same Power of hearing and determining such Appeals as is by the said Act of the Twelfth and Thirteenth *Victoria*, or any Act amending or continuing the same, given to the Privy Council, and the Costs of such Appeals shall be in the Discretion of the Court of Appeal.

Appeals to be brought within Three Months, unless special Leave obtained.

XI. Appeals and Rehearings under this Act to the said Court of Appeal may be brought without Leave of the Court at any Time within the Period of Three Months from the Time when the Decision, Decree, or Order complained of was made or shall have taken place, anything in Section Thirty of the Court of Chancery (*Ireland*) Regulation Act, 1850, to the contrary notwithstanding, but that after the Expiration of the Period aforesaid no such Appeal or Rehearing shall be brought unless with the special Leave of the Court.

Court of Appeal and Master of Rolls may have Assistance of Common Law Judge.

XII. It shall be lawful for the said Court of Appeal, and for the Master of the Rolls, and for each of the said Jurisdictions, to sit, with the Assistance of any Judge of Her Majesty's Courts of Common Law in *Ireland*, upon the Request of the Chancellor, if any such Common Law Judge shall find it convenient to attend upon such Request; and any such Common Law Judge so attending the said Court of Appeal shall, as regards the Matters heard before the said Court, be deemed a Judge of the said Court of Appeal.

Decision of Majority of Judges of Court of Appeal to bind.

XIII. The Decision of the Majority of the Judges of the Court of Appeal, including such Judge so attending as aforesaid, shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in Opinion on any Matter brought before the Court by way of Appeal, or reheard, the Decree or Order appealed from or reheard shall be taken and deemed to be affirmed by the Court of Appeal.

Final Appeal to House of Lords.

XIV. All Decisions, Decrees, or Orders of the Court of Appeal, whether on Appeals in Chancery or from the said Commissioners, shall be

be subject to Appeal to the House of Lords in the Cases and under the Conditions in and under which the like Decisions, Decrees, or Orders of the Chancellor would have been subject to such Appeal if this Act had not been passed.

XV. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal may, in the unavoidable Absence of such Judge of Appeal to be appointed under this Act, be exercised by the Chancellor sitting alone, or with such Common Law Judge as aforesaid at such Court of Appeal.

In the Absence of Judge of Appeal, Chancellor may exercise Jurisdiction.

XVI. The Chancellor shall fix the Times at which the Judge of the said Court of Appeal appointed under this Act shall sit with the Chancellor, and generally make such Regulations as to him may seem proper for regulating the Business of the said Court of Appeal, and for the Attendance of a Registrar of the said Court of Chancery at the Sittings of the said Court of Appeal.

The Chancellor to regulate Business of Court.

XVII. Nothing herein contained shall affect any of the Powers, Duties, or Authorities attached to the Office of Chancellor, or exercised by the Chancellor as Keeper of the Great Seal of *Ireland* (except the Powers, Authorities, and Duties which are exercised and performed by him in relation to the Appeals and Rehearings to which this Act relates), or shall create any Right of Appeal, or affect the Powers, Authorities, and Duties of the Chancellor at the Common Law or Petty Bag Side of the Court, or in relation to Bankruptcy, or under the Laws or Statutes relating to Bankrupts and Bankruptcy, or under and by virtue of any Appointment under the Sign Manual of the Crown, as having the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, or in relation to Letters Patent, Grants, or Writings passed or to be passed under the Great Seal of *Ireland*, or the Revocation of such Letters Patent, Grants, or Writings, or the Powers and Authorities of the Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation, or to the Powers of the Chancellor of Appointment to or Removal from or otherwise in relation to Offices in the Court or other Offices, save as herein specially provided.

Saving of Powers of Chancellor.

XVIII. And in case the Chancellor or Master of the Rolls shall be prevented by Illness or otherwise from sitting at any Time when according to ordinary Course his Court would be open, or if the State of Business of the Court or other Circumstances should render it expedient and proper, the Chancellor may, by Writing under his Hand, from Time to Time, as often as Occasion may require, authorize the Judge of the said Court of Appeal to sit for the hearing and deter-

If Chancellor or Master of Rolls prevented from sitting, Judge of Appeal Court may sit for him.

determining of Causes and Matters; and the Judge sitting under such Authority as aforesaid shall have all the Power, Authority, and Jurisdiction of the Lord Chancellor and Master of the Rolls for the hearing and determining of Causes and Matters, and may, for the Purpose of disposing of any Cause or Matter which has been partly heard by him, continue such his Sittings, notwithstanding the Chancellor or Master of the Rolls in whose Stead he has partly heard such Cause or Matter may also be sitting for the hearing of other Causes or Matters; and all Decrees and Orders made by such Judge in pursuance of such Authority shall be of the same Effect and Validity, and subject to Revision and Appeal, in the same Manner in all respects as if made by the Chancellor or Master of the Rolls, as the Case may be.

Salary of Judge of Appeal Court.

XIX. It shall be lawful for Her Majesty to direct that there shall be paid to the Judge of Appeal to be appointed under this Act a Salary not exceeding One thousand Pounds, in case such Judge shall be in the Receipt of any Salary or Pension as exercising or having exercised a Judicial Office in any of the Superior Courts of Law, Equity, or in the Court of Prerogative, and over and above and without Prejudice to any such Salary or Pension; and in case the Person to be appointed Judge of the Court of Appeal under this Act shall not be in the Receipt of any such Salary or Pension, such Person, on being appointed by Letters Patent under this Act, shall be entitled to and shall be paid the net yearly Salary of Four thousand Pounds, which Salaries of One thousand Pounds or Four thousand Pounds, as the Case may be, shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be free from all Deductions, Abatements, and Taxes, except the Income Tax, and shall be paid quarterly on the usual quarterly Days, by equal Portions, and the First of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge of Appeal, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge of Appeal, such Judge of Appeal, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension to Vice-Chancellor.

XX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of

of Judge of Appeal, in pursuance of this Act, who shall not be in Receipt of any such Pension, an Annuity not exceeding Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge of Appeal, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge of Appeal was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence; provided also, that no Annuity granted to any Person having executed the Office of Judge of Appeal under this Act shall be valid unless such Person shall have continued in the said Office, or in other Judicial Office as aforesaid, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Increased Powers of making General Orders expedient. 14 & 15 Vict. c. 15. repealed, save as to anything done, &c.

XXI. Whereas it is expedient that the Court should have increased Powers of making General Orders to reform and regulate its Procedure and Practice, with a view to Economy, Simplicity, and Expedition, and that the existing Law as to the Mode of making General Orders of the Court should be amended: Be it therefore enacted, That the Act of the Fourteenth and Fifteenth *Victoria*, Chapter Fifteen, intituled *An Act to amend the Court of Chancery*, Ireland, *Regulation Act*, 1850, is hereby repealed, save as to anything done or Proceeding commenced under the same.

XXII. All

Existing Orders to continue in force.

XXII. All General Orders of the Court or Masters in force at the passing of this Act shall continue in force unless altered by or inconsistent with the General Orders to be made under this Act.

General Orders how to be made.

XXIII. The Power of making, rescinding, and varying General Orders in relation to all Proceedings in the Court, and to all Business to be transacted by the Court and the Judges and Officers of the Court, shall be deemed to be a Power at all Times appertaining and incidental to the Jurisdiction of the Court, and such Power shall be exerciseable by the Chancellor, by and with the Advice and Assistance of the Master of the Rolls and the Judge of Appeal, or of either of them, anything in any Act or Acts prescribing a different Method of making such General Orders to the contrary notwithstanding, and shall be exerciseable as well in relation to all Matters now falling within the Jurisdiction of the Court as to all Matters which may hereafter be brought within such Jurisdiction.

Court empowered to make General Orders for certain Purposes.

XXIV. In addition and without Prejudice to the Power which the Court now has of making General Orders in relation to any Matters within its Jurisdiction, the Court may, in manner aforesaid, make, rescind, and vary General Orders for regulating the Times and Form and Mode of Procedure, the Division and Distribution of Business, the Formalities to be observed upon Transfers and Sales of Stock and Payments and Investments of Cash, the Lodgment of Deeds and Papers, the Substitution of or dispensing with Service of Notices or Process upon any Person, the Examination of Witnesses and Parties, the Examination, Cross-examination, and Re-examination of Persons making Affidavits to be used in any Cause or Matter, for determining the necessary Parties to any Cause or Matter, and for regulating the Employment of Conveyancing or other Counsel, Valuators, Surveyors, Engineers, Accountants, Merchants, Actuaries, and other skilled Persons, and the Costs, Fees, and Allowances to be paid or allowed to Solicitors or other Persons, and for ensuring the Despatch of Business by requiring Returns of the State thereof from any Judge or Officer or otherwise, and for transferring the Conduct of Proceedings, and for allowing Proceedings to be taken or Acts done, notwithstanding the proper Time for taking or doing the same may have elapsed, and for enlarging the Time for any such Act, and for supplying Omissions or correcting Errors in Proceedings, and for regulating the Security to be given by Receivers, or altering the existing Mode of giving such Security, and substituting any new Mode, either generally or as regards particular Cases, and for regulating the Appointment and Remuneration of Receivers, and the Management of Estates under Receivers, and in relation to any

any other Matter or Thing whatsoever incident to the Business of the Court, whether of the Kind herein-before specified or not; and such Orders shall take effect at such Time as may be therein specified, or, in default of such Specification, from the Time of the making thereof.

General Orders to be laid before Parliament.

XXV. Such General Orders shall be laid before Parliament within the Time and subject to the Provisions in all respects in that Behalf specified and contained in the "Court of Chancery, *Ireland*, Regulation Act, 1850," in relation to the General Orders to be made by the Chancellor, with the Assistance of the Master of the Rolls, under that Act.

Forms of Proceeding may be settled.

XXVI. The Chancellor may, with the Advice and Assistance of the Master of the Rolls and the Judge of Appeal, or of either of them, from Time to Time frame and cause to be printed and circulated Forms of Proceedings and Documents in relation to the Business of the Court, and may direct any Proceedings or Documents to be printed and made available for the Use of all Parties interested.

Part of Section 16. of 13 & 14 Vict. c. 89. repealed.

After 1st Jan. 1857, Masters may make Orders for Money.

XXVII. So much of Section Sixteen of the "Court of Chancery, *Ireland*, Regulation Act, 1850," as provides that the Master, in Cases within the said Section, shall not make Orders for the Distribution or Payment of any Share of Money, shall from the First Day of *January* One thousand eight hundred and fifty-seven be repealed, and from and after the said First Day of *January* One thousand eight hundred and fifty-seven the Masters shall in all Cases to which the said Section applies have and exercise the Jurisdiction by the said Section conferred upon them, without any such Restriction as aforesaid.

Deficiency of Suitors Fee Fund to be supplied from Consolidated Fund.

XXVIII. In case the Account now standing to the Credit of the Accountant General of the Court in the Books of the Bank of *Ireland*, termed the Suitors Fee Fund Account, should be inadequate to the Payment of the Charges now chargeable thereon, the Amount of such Charges beyond what can be so satisfied thereout shall be charged and chargeable and paid and payable upon and out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by way of Advance in aid of the said Suitors Fee Fund Account: Provided always, that the said Sums which shall be so advanced out of the Consolidated Fund in aid of the Suitors Fee Fund Account shall become and remain a Charge thereon in favour of the

the Crown, so far as the same will extend, after Payment of prior Charges, and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, at such Times and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall order and direct.

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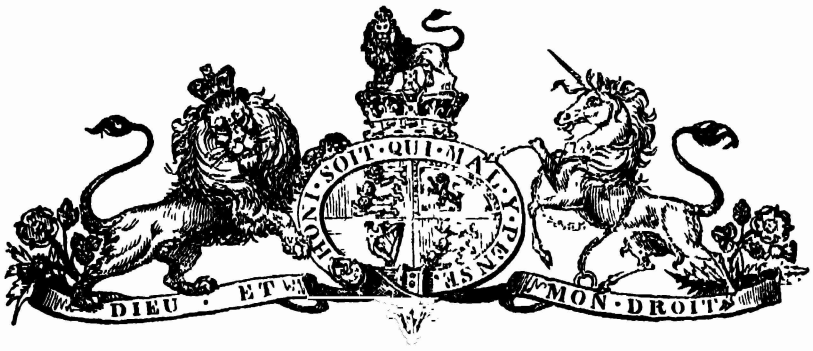

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shall be *primâ facie* Evidence that every Person entered thereon as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll: Provided always, that where any Lessee shall have been entered on the said Valuation Roll in the Column of Proprietors the Assessor shall write, and he is hereby required to write, the Word "Lessee" immediately after or under the Name of such Lessee, and such Entry of any such Lessee in the Valuation Roll shall be no Evidence of his being a Proprietor of Lands and Heritages, in Terms of the said Act.

Claims and Objections to be lodged with Clerk of Supply.

III. Before the Tenth Day of *December* in each Year every Person desirous of being placed on the List of Commissioners shall give in to the Clerk of Supply a Claim in Writing, setting forth the Grounds of such Claim; and any Commissioner of Supply intending to object to any Claimant being placed on the List, or to any Person already on the List remaining thereon, shall within Seven Days thereafter give Notice in Writing to the Clerk of Supply of his Intention; and such Clerk of Supply shall, on receiving any such Notice of Objection, forthwith intimate the same by written Notice transmitted by Post to the Person to be objected to, and he shall also give to him, and to all Parties who may have lodged Claims or Objections respectively, Ten free Days Notice in Writing of the Time and Place fixed as herein-after provided for disposing of the same.

Commissioners of Supply to appoint adjourned Meetings for disposing of Claims and Objections.

IV. The Commissioners of Supply in each County shall yearly, at their annual Meeting on the Thirtieth Day of *April*, appoint a Committee to meet at such Times and Places as they may fix, but not sooner than the Twentieth Day of *November*, and of which Committee Meetings the Quorum shall be Three, to dispose of such Claims and Objections; and at the Time and Place fixed and intimated as aforesaid the several Persons objected to shall produce the Titles on or in respect of which they found their Right as Commissioners of Supply; and the Committee at such Meetings shall dispose of such Claims and Objections, hearing compearing Parties, and receiving and making a Memorandum of such competent Evidence as may be adduced by them: Provided always, that these Claims and Objections shall all be disposed of before the Twentieth Day of *December* in each Year.

On or before 31st December in each Year Clerk

V. On or before the Thirty-first Day of *December* in each Year, the Clerk of Supply in every County shall make up and adjust the List of Commissioners of Supply in such County in accordance with the

the Determinations of the Commissioners of Supply on the Claims and Objections as aforesaid, and the List, when adjusted, shall be authenticated by the Subscription of the Clerk of Supply, and shall remain in his Custody, all Persons interested therein being entitled to inspect or make Copies of the same or any Part thereof, at their own Expense, at such reasonable Times and subject to such Regulations as the Commissioners of Supply may prescribe; and each such List, subject to Corrections in accordance with Judgments on Appeal, as after mentioned, shall, till the next List shall have been completed and authenticated, be conclusive as to the Right of acting and voting as Commissioners of Supply, except as regards such Sheriffs and Magistrates of Burghs and Towns for the Time being as may in any subsisting Act of Supply be constituted *Ex-officio* Commissioners of Supply without being required to possess any Property Qualification, who, and whose Successors in Office, shall be entitled to act and vote as such Commissioners *virtute officii*, and without being inserted on such List.

of Supply to make up the List of Commissioners.

VI. If any Party shall be dissatisfied with the Determination of the Commissioners of Supply on any such Claim or Objection as aforesaid, he may, within Ten Days after the same has been pronounced, appeal by Note of Appeal to the Lord Ordinary officiating on the Bills in the Court of Session, who shall summarily dispose of the Appeal, and whose Judgment shall be final and conclusive, and not subject to Review; and on a certified Copy of any such Judgment being presented to the Clerk of Supply he shall forthwith, if the Determination of the Commissioners of Supply appealed against shall have been altered or reversed, forthwith correct the List adjusted as aforesaid in accordance with such Judgment.

Appeal from Determination of Commissioners on Claims or Objections.

VII. This Act may be cited for all Purposes as "The Commissioners of Supply (*Scotland*) Act, 1856."

Short Title.

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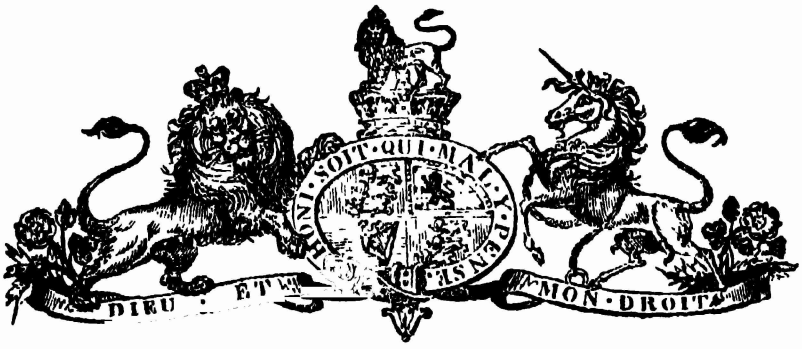

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sonal Estates of Intestates in certain Places to cease.

of Intestates observed in the City of *London*, or in relation to the Citizens and Freemen of such City, and in the Province of *York*, and certain other Places, shall, with reference to all Persons dying on or after the First Day of *January* One thousand eight hundred and fifty-seven, wholly cease and determine, and the Distribution of the Personal Estate of all Persons so dying shall take place as if such Customs had never existed, and as if the Rules for the Distribution of the Personal Estate of Intestates generally prevalent in the Province of *Canterbury* had prevailed throughout *England* and *Wales*, any Law or Statute to the contrary notwithstanding.

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Lands, under certain Conditions.

Estates Commissioners, to sell any Estate in Lands or Hereditaments vested in such University or in such College, as the Case may be, or to exchange any Estate in Lands or Hereditaments for any other Lands or Hereditaments, or either of them, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale or Exchange shall be received by or become payable to or for the Benefit of such University or College shall be paid into the Bank of *England* for the Benefit of such University or College, to such Account as the said Church Estates Commissioners shall appoint in that Behalf, and the Receipt of the said Church Estates Commissioners shall be an effectual Discharge to any Purchaser for any Money therein expressed to be received, and shall be Evidence of their Consent as aforesaid; and all Monies so paid into the Bank of *England* shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such University or College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such University or College, shall be held by the University or College, as the Case may be, upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such University or College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the said Church Estates Commissioners in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such University or College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such University or College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, or Securities was produced: Provided that, except as herein-after mentioned, nothing in this Act contained shall apply to any Estate of the University or any College in Reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.

II. The

II. The Powers and Provisions of this Act in relation to any Estate of Land and Hereditaments vested in the said University and in any College of such University respectively, and in the College of *Saint Mary of Winchester* near *Winchester*, shall extend and be applicable, not only to any Estate in Lands or Hereditaments so vested as the Property or for the general Purposes of such University or such College respectively, but also to any such Estate so vested which may be held in trust for any special Endowment or other Purpose connected with such University or College.

Act to extend to Lands held in trust for special Endowments.

III. Provided also, That for facilitating such Transactions by way of Sale and Exchange between Colleges and their Lessees it shall be lawful for any College in the said University, and for the College of *Saint Mary of Winchester* near *Winchester*, with the Consent of the said Church Estates Commissioners, upon accepting the Surrender of the whole or any Part of the Lands or Hereditaments comprised in any Lease for Years or for Lives, to covenant or agree to pay to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender, would have continued, an annual Sum equal to the Difference between the Rent reserved by such Lease, or (if Part only of the Land or Hereditaments comprised therein be surrendered) a proportional Part of such Rent, and the estimated annual Value of the Lands or Hereditaments so surrendered; and it shall also be lawful for such College upon accepting such Surrender as aforesaid, and with such Consent as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands or Hereditaments comprised in the Surrender, such Lands and Hereditaments being for the Purpose of such Sale or Exchange valued as if in the Possession of such College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.

Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.

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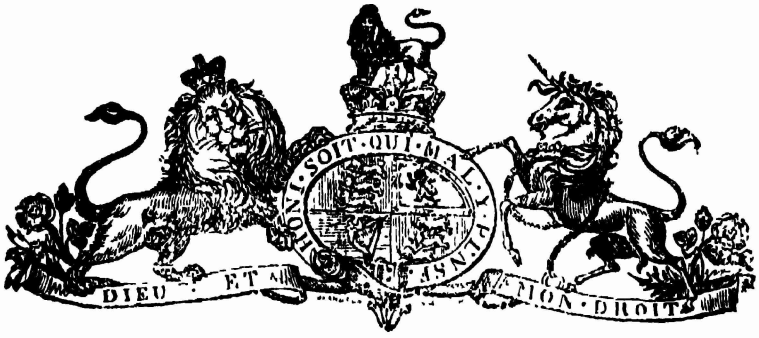

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CAP. XCVI.

An Act for amending the Law of Marriage in *Scotland*. [29th *July* 1856.]

WHEREAS it is expedient to amend the Law touching Marriages in *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Declaring under what Circumstances Marriages solemnized in Scotland shall be valid.

I. After the Thirty-first Day of *December* One thousand eight hundred and fifty-six, no irregular Marriage contracted in *Scotland* by Declaration, Acknowledgment, or Ceremony shall be valid, unless One of the Parties had at the Date thereof his or her usual Place of Residence there, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding.

Certificated Copy of Entry by Sheriff Depute that Parties were married, and

II. If any Persons who shall have contracted an irregular Marriage in *Scotland* after the Day and Year aforesaid shall within Three Months thereafter present a joint Application for a Warrant to register such Marriage to the Sheriff or Sheriff Substitute of the County where such Marriage was contracted, and shall prove to his Satis-

 faction

that One of them lived in Scotland Twenty-one Days preceding such Marriage, conclusive as to its Validity.

faction that they have been married to one another, and that One of them had lived in *Scotland* for Twenty-one Days next preceding such Marriage, or had his or her usual Residence in *Scotland* at the Date thereof, such Sheriff or Sheriff Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him, in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Registrar, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such Residence or of such previous living Twenty-one Days in *Scotland*, in all Courts in the United Kingdom and Dominions thereunto belonging.

No Conviction for, nor Registration of, irregular Marriage, without Proof of previous Residence.

III. It shall not be lawful, after the Date aforesaid, to convict any Parties of having irregularly contracted Marriage, unless there shall be adduced to the Justice or Justices of the Peace, Magistrate or Magistrates, before whom the Complaint against such Parties has been brought, sufficient Proof, other than the Acknowledgment of such Parties, that One of them had at the Date thereof his or her usual Residence in *Scotland*, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; nor shall it be lawful for any Registrar of Births, Deaths, and Marriages in *Scotland* to register any Marriage under the Provisions of the said recited Act, on the Production of an Extract of a Conviction for having irregularly contracted Marriage, unless such Conviction shall bear that such sufficient Proof as aforesaid was so adduced.

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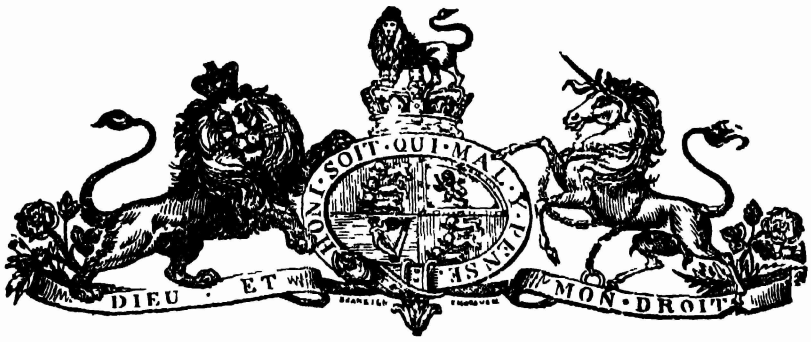

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Specific Delivery of Goods sold.

II. In all Actions and Suits in any of the Superior Courts of Common Law at *Westminster* or *Dublin*, or in any Court of Record in *England*, *Wales*, or *Ireland*, for Breach of Contract to deliver specific Goods for a Price in Money, on the Application of the Plaintiff, and by Leave of the Judge before whom the Cause is tried, the Jury shall, if they find the Plaintiff entitled to recover, find by their Verdict what are the Goods in respect of the Non-delivery of which the Plaintiff is entitled to recover and which remain undelivered; what (if any) is the Sum the Plaintiff would have been liable to pay for the Delivery thereof; what Damages (if any) the Plaintiff would have sustained if the Goods should be delivered under Execution, as herein-after mentioned, and what Damages if not so delivered; and thereupon, if Judgment shall be given for the Plaintiff, the Court or any Judge thereof, at their or his Discretion, on the Application of the Plaintiff, shall have Power to order Execution to issue for the Delivery, on Payment of such Sum (if any) as shall have been found to be payable by the Plaintiff as aforesaid, of the said Goods, without giving the Defendant the Option of retaining the same upon paying the Damages assessed; and such Writ of Execution may be for the Delivery of such Goods; and if such Goods so ordered to be delivered, or any Part thereof, cannot be found, and unless the Court, or such Judge or Baron as aforesaid, shall otherwise order, the Sheriff, or other Officer of such Court of Record, shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, or within the Jurisdiction of such other Court of Record, till the Defendant deliver such Goods, or, at the Option of the Plaintiff, cause to be made of the Defendant's Goods the assessed Value or Damages, or a due Proportion thereof; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action or Suit.

Consideration for Guarantee need not appear by Writing.

III. No special Promise to be made by any Person after the passing of this Act to answer for the Debt, Default, or Miscarriage of another Person, being in Writing, and signed by the Party to be charged therewith or some other Person by him thereunto lawfully authorized, shall be deemed invalid to support an Action, Suit, or other Proceeding to charge the Person by whom such Promise shall have been made, by reason only that the Consideration for such Promise does not appear in Writing, or by necessary Inference from a written Document.

Guarantee to or for a Firm to cease upon a Change in

IV. No Promise to answer for the Debt, Default, or Miscarriage of another made to a Firm consisting of Two or more Persons, or to a single Person trading under the Name of a Firm, and no Promise

to

to answer for the Debt, Default, or Miscarriage of a Firm consisting of Two or more Persons, or of a single Person trading under the Name of a Firm, shall be binding on the Person making such Promise in respect of anything done or omitted to be done after a Change shall have taken place in any One or more of the Persons constituting the Firm, or in the Person trading under the Name of a Firm, unless the Intention of the Parties, that such Promise shall continue to be binding notwithstanding such Change, shall appear either by express Stipulation or by necessary Implication from the Nature of the Firm or otherwise.

the Firm, except in special Cases.

V. Every Person who, being Surety for the Debt or Duty of another, or being liable with another for any Debt or Duty, shall pay such Debt or perform such Duty, shall be entitled to have assigned to him, or to a Trustee for him, every Judgment, Specialty, or other Security which shall be held by the Creditor in respect of such Debt or Duty, whether such Judgment, Specialty, or other Security shall or shall not be deemed at Law to have been satisfied by the Payment of the Debt or Performance of the Duty, and such Person shall be entitled to stand in the Place of the Creditor, and to use all the Remedies, and, if need be, and upon a proper Indemnity, to use the Name of the Creditor, in any Action or other Proceeding, at Law or in Equity, in order to obtain from the principal Debtor, or any Co-Surety, Co-Contractor, or Co-Debtor, as the Case may be, Indemnification for the Advances made and Loss sustained by the Person who shall have so paid such Debt or performed such Duty, and such Payment or Performance so made by such Surety shall not be pleadable in bar of any such Action or other Proceeding by him: Provided always, that no Co-Surety, Co-Contractor, or Co-Debtor shall be entitled to recover from any other Co-Surety, Co-Contractor, or Co-Debtor, by the Means aforesaid, more than the just Proportion to which, as between those Parties themselves, such last-mentioned Person shall be justly liable.

A Surety who discharges the Liability to be entitled to Assignment of all Securities held by the Creditor.

VI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of *December* One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person, unless the same be in Writing on such Bill, or, if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

Acceptance of a Bill Inland or Foreign to be in Writing on it, and signed by the Acceptor or his Agent.

VII. Every Bill of Exchange or Promissory Note drawn or made in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her

What are to be deemed "Inland Bills."

Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which, but for this Enactment, would be payable in respect of any such Bill or Note.

With reference to the Repairs of Ships, every Port within the United Kingdom, &c. a Home Port.

VIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to, or Supplies furnished to or for, Ships, every Port within the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Limitation of Actions for "Merchants' Accounts."

IX. All Actions of Account or for not accounting, and Suits for such Accounts, as concern the Trade of Merchandise between Merchant and Merchant, their Factors or Servants, shall be commenced and sued within Six Years after the Cause of such Actions or Suits, or when such Cause has already arisen then within Six Years after the passing of this Act; and no Claim in respect of a Matter which arose more than Six Years before the Commencement of such Action or Suit shall be enforceable by Action or Suit by reason only of some other Matter of Claim comprised in the same Account having arisen within Six Years next before the Commencement of such Action or Suit.

Absence beyond Seas or Imprisonment of a Creditor not to be a Disability.

X. No Person or Persons who shall be entitled to any Action or Suit with respect to which the Period of Limitation within which the same shall be brought is fixed by the Act of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, or by the Act of the Fourth Year of the Reign of Queen *Anne*, Chapter Sixteen, Section Seventeen, or by the Act of the Fifty-third Year of the Reign of King *George* the Third, Chapter One hundred and twenty-seven, Section Five, or by the Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Twenty-seven, Sections Forty, Forty-one, and Forty-two, and Chapter Forty-two, Section Three, or by the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, shall be entitled to any Time within which to commence and sue such Action or Suit beyond the Period so fixed for the same by the Enactments aforesaid, by reason only of such Person, or some One or more of such Persons, being at the Time of such Cause of Action or Suit accrued beyond the Seas, or in the Cases in which by virtue of any of the aforesaid Enactments Imprisonment is now a Disability, by reason of such Person or some One or more of such Persons being imprisoned at the Time of such Cause of Action or Suit accrued.

XI. Where

XI. Where such Cause of Action or Suit with respect to which the Period of Limitation is fixed by the Enactments aforesaid or any of them lies against Two or more Joint Debtors, the Person or Persons who shall be entitled to the same shall not be entitled to any Time within which to commence and sue any such Action or Suit against any One or more of such Joint Debtors who shall not be beyond the Seas at the Time such Cause of Action or Suit accrued, by reason only that some other One or more of such Joint Debtors was or were at the Time such Cause of Action accrued beyond the Seas, and such Person or Persons so entitled as aforesaid shall not be barred from commencing and suing any Action or Suit against the Joint Debtor or Joint Debtors who was or were beyond Seas at the Time the Cause of Action or Suit accrued after his or their Return from beyond Seas, by reason only that Judgment was already recovered against any One or more of such Joint Debtors who was not or were not beyond Seas at the Time aforesaid.

Period of Limitation to run as to Joint Debtors in the Kingdom, though some are beyond Seas.

Judgment recovered against Joint Debtors in the Kingdom to be no Bar to proceeding against others beyond Seas after their Return.

XII. No Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond Seas within the Meaning of the Act of the Fourth and Fifth Years of the Reign of Queen *Anne*, Chapter Sixteen, or of this Act.

Definition of "beyond Seas," within 4 & 5 Anne, c. 16. and this Act.

XIII. In reference to the Provisions of the Acts of the Ninth Year of the Reign of King *George* the Fourth, Chapter Fourteen, Sections One and Eight, and the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Sections Twenty-four and Twenty-seven, an Acknowledgment or Promise made or contained by or in a Writing signed by an Agent of the Party chargeable thereby, duly authorized to make such Acknowledgment or Promise, shall have the same Effect as if such Writing had been signed by such Party himself.

Provisions of 9 G. 4. c. 14. ss. 1. & 8. and 16 & 17 Vict. c. 113. ss. 24. & 27. extended to Acknowledgments by Agents.

XIV. In reference to the Provisions of the Acts of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, and of the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Forty-two, Section Three, and of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, when there shall be Two or more Co-Contractors or Co-Debtors, whether bound or liable jointly only or jointly and severally, or Executors or Administrators of any Contractor, no such Co-Contractor or Co-Debtor, Executor, or Administrator shall lose the Benefit of the said Enactments or any of them, so as to be chargeable

Part Payment by one Contractor &c. not to prevent Bar by certain Statutes of Limitations in favour of another Contractor, &c.

chargeable in respect or by reason only of Payment of any Principal, Interest, or other Money, by any other or others of such Co-Contractors or Co-Debtors, Executors, or Administrators.

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Act.

XV. In order to enable the Superior Courts of Common Law at *Westminster* and *Dublin*, and the Judges thereof respectively, to make Rules and Regulations, and to frame Writs and Proceedings, for the Purpose of giving effect to this Act, the Two hundred and twenty-third and Two hundred and twenty-fourth Sections of "The Common Law Procedure Act, 1852," shall, so far as this Act is to take effect in *England*, and the Two hundred and thirty-third and Two hundred and fortieth Sections of "The Common Law Procedure Amendment Act (*Ireland*), 1853," shall, so far as this Act is to take effect in *Ireland*, be incorporated with this Act, as if those Provisions had been severally herein repeated and made to apply to this Act.

Short Title.

XVI. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, 1856."

Extent of Act.

XVII. Nothing in this Act shall extend to *Scotland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

CAP. XCVIII.

An Act to amend the Laws relating to the Burial of the Dead in *Ireland*. [29th *July* 1856.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited as "The Burial Grounds (*Ireland*) Act, 1856." **Short Title.**

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, "Lord Lieutenant" shall mean the Lord Lieutenant of *Ireland* or other Chief Governor or Governors thereof; "Council" shall mean Her Majesty's Privy Council in *Ireland;* "Borough" shall mean any Borough, or Town Corporate in *Ireland*, or any Town in which a Board of Municipal Commissioners shall have been elected, under the Provisions of an Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed, under the Provisions of an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and three, or any Act amending the same; "Town Council" shall mean the Town Council of the Borough, or, where there is no Town Council, the Board of Municipal Commissioners, or the Town Commissioners **Interpretation of Terms.**

missioners acting for the Borough or Town; "the Borough Fund" shall be held to include "the Town Fund;" "Parish" shall extend to any Extra-parochial Precinct or Place; "Ratepayers" shall mean the Persons for the Time being assessed to and paying Rates, or liable to be rated, under the Provisions of this Act; "Town Clerk" shall mean the Town Clerk of the Borough, or, where there is no Town Clerk, the Clerk of the Board of Municipal Commissioners, or of the Town Commissioners acting for the Borough or Town.

Burial Boards to carry this Act into execution.

III. In the Execution of this Act in Poor Law Unions, or any Portion thereof not within the Limits or Boundaries of any Borough as defined by this Act, "Burial Board" shall be held to signify the Board of Guardians for the Relief of the Poor within any such Poor Law Union or Portion thereof, and the Manner of holding and transacting Business at Meetings of such Burial Boards shall be similar to the Manner in use in respect of the Relief of the Poor, and within the Limits or Boundaries of any Borough "the Town Council of the Borough" shall be held to be the "Burial Board" of such Borough.

Board of Guardians to be subject to Poor Law Commissioners.

IV. The Board of Guardians for the Relief of the Poor shall, in carrying into execution the Provisions of this Act, be subject to the Direction and Control of the Commissioners appointed for administering the Law for the Relief of the Poor in *Ireland*.

On Representation duly made to him, Lord Lieutenant in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

V. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town or within any other Limits in *Ireland*, save with the Approval of the Lord Lieutenant, should be prohibited, or that Burials in any City or Town or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to order that no new Burial Ground shall be opened in any City or Town or within such Limits without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued, wholly, or subject to any Exceptions or Qualifications mentioned in such Orders, and so from Time to Time as Circumstances may require: Provided always, that Notice of such Representation, and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published in the *Dublin Gazette*, and shall be affixed on the Doors of the Churches or Chapels of or on some other conspicuous Places within the Parishes affected by such Representation, One Month before such Representation is so considered.

VI. It

VI. It shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council, to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to the Lord Lieutenant in Council shall seem fit; and every Order of the Lord Lieutenant in Council made for varying any Order previously made under this Act shall be deemed valid and effectual in Law.

Lord Lieutenant in Council may postpone Order for Discontinuance of Burials, &c.

VII. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, used solely for the Burial of the Bodies of such People, unless the same shall be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial in any such Burial Ground in which for the Time being Interment is not required to be discontinued of the Bodies of such People.

Order not to extend to Burial Grounds of Quakers, unless expressly included.

VIII. Provided, That no such Order in Council as aforesaid shall be deemed to extend to the Burial Grounds or Cemeteries situate respectively in *Merrion Row* and *Peter Street* in the City of *Dublin*, the Property of the *French* Protestants, and used solely for the Burial of the Bodies of the Descendants of the *French* Protestant Refugees, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial as heretofore in such Burial Grounds or Cemeteries respectively, so situate in *Merrion Row* and *Peter Street* aforesaid, of the Bodies of such Descendants of French Protestant Refugees.

Order not to extend to Burial Grounds of French Protestants, unless expressly included.

IX. If any Person, after the Time mentioned in any Order in Council under this Act for the Discontinuance of Burials, shall knowingly and wilfully bury any Body, or in anywise act or assist in the Burial of any Body, in or under any Church, Chapel, Churchyard, Burial Ground, or Place of Burial, or elsewhere, as the Case may be, within the Limits in which Burials have by such Order been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction thereof, forfeit a Sum not exceeding Ten Pounds.

Penalty on Persons burying contrary to the Provisions of Orders in Council

X. Provided always, That, notwithstanding any such Order in Council, where, by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Usage or Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the Lord Lieutenant, from Time to Time, on Application being

Saving of certain Rights to bury in Vaults.

being made to him, and on being satisfied that the Exercise of such Right shall not be injurious to Health, to grant a Licence for the Exercise of such Right, during such Time and subject to such Conditions and Restrictions as the Lord Lieutenant may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required under such Right, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

New Burial Grounds not to be opened contrary to Order in Council.

XI. Where by any such Order in Council it is ordered that no new Burial Ground shall be opened in any City or Town or within any Limits in such Order mentioned, without the previous Approval of the Lord Lieutenant, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town or within such Limits without such previous Approval.

No Corpse to be buried in private Grave without Consent.

XII. Where by Usage or otherwise any Grave, Vault, or Place of Interment in any Burial Ground or Cemetery has been the burying Place of and used as such by any Family, no Corpse of any Person not having been a Member of such Family shall be buried in such Grave, Vault, or Place of Interment without the Consent in Writing of some immediate Relative of the Member of such Family last interred therein; and if any Person shall knowingly act or assist in any Burial contrary to the Provisions of this Clause, every such Person shall be liable, on summary Conviction before any Two Justices of the Peace at Petty Sessions, to a Penalty not exceeding Ten Pounds; and upon any Complaint made under this Clause it shall be lawful for the Justices at Petty Sessions to make such Order for the Exhumation and Re-interment of such Corpse so buried as to such Justices shall seem fit.

No Animal to be allowed to graze in Burial Places.

XIII. No Animal of any Description shall be allowed to graze or to be within the Limits of any Burial Ground having a sufficient Fence; and it shall be lawful to any Two Justices of the Peace at Petty Sessions to order the Owners of any Animal or Animals so found within such Burial Ground to pay as a Fine a Sum not exceeding Two Shillings and not less than One Shilling for each Animal so found as aforesaid, and to levy and dispose of said Fine in the same Manner as Fines for Trespass of Cattle are now levied and disposed of under the Provisions of the Law at present in force in Ireland.

Upon Requisition of Ratepayers or Members of Burial Board,

XIV. Although no Burial Ground has been closed by Order in Council, the Clerk of the Union in which any City, Town, or Place is situate, not being within the Limits of a Borough, and the Town Clerk of any Borough, shall, upon the Requisition in Writing of Ten or

or more Persons assessed for the Relief of the Poor in such City, Town, or Place, or liable to the Payment of Borough Rate in such Borough respectively, or upon the Requisition in Writing of any Two or more Members of the Burial Board of such Union or Borough respectively, convene a Special Meeting of the Burial Board of such Union or Borough, for determining whether a Burial Ground shall be provided under this Act for such City, Town, or Place, or for such Borough respectively; and if a Majority of such Meeting shall resolve that a Burial Ground shall be provided under this Act for such City, Town, or Place, or Borough respectively, such new Burial Ground shall be provided, in the same Manner as if an old Burial Ground had been closed by Order in Council.

Meeting of Board to be convened to determine whether Burial Ground shall be provided.

XV. Whenever any Burial Ground shall have been closed in any City, Town, or Place, or in any Borough respectively, by Order in Council, the Burial Board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient Burial Ground for such City, Town, or Place, or Borough respectively, and to make Arrangements for facilitating Interments therein, under the Provisions of this Act.

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.

XVI. Any Burial Ground may be provided under this Act, either within or without the Limits of the City or Town or Borough for which the same is provided, and in case any Burial Ground to be so provided for any City, Town, or Borough shall be situate without the Limits of such City, Town, or Borough, the same shall, for the Purposes of this Act, be considered as if the same was within such Limits; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than One hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Consent of Owners of Houses to new Burial Grounds, where necessary.

XVII. For the providing such Burial Ground, it shall be lawful for the Burial Board to contract for and purchase or take any Lands, and Buildings thereon, for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or Place.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XVIII. The Lands Clauses Consolidation Act, 1845, except the Provisions of that Act "with respect to the Provisions to be made "for affording Access to the Special Act by all Parties interested," and "with respect to the Purchase and taking of Lands otherwise than "by Agreement," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Under-"taking," wherever used in the said Act, shall mean any Burial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the Undertaking "under the Provisions of this or the Special Act, or any Act incor-"porated therewith, but which shall not be required for the Purposes "thereof," shall be held to apply only to such Lands in which no Burial shall have taken place, and such Provisions shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Liabilities of old Burial Grounds transferred to new Burial Grounds.

XIX. Where any Burial Ground shall be closed under the Provisions of this Act, and a new Burial Ground provided in place thereof, the whole Burthen upon and Liabilities attaching to the Burial Ground so closed shall be transferred to and become Burthens upon the Burial Ground provided in place thereof, and the Revenues of the new Burial Ground shall be liable for the same in like Manner as the Revenues of the Burial Ground so closed were liable.

Management to be vested in Burial Boards.

XX. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same: Provided always, that any Question which shall arise touching the Fitness of any Monumental Inscription placed or proposed to be placed in any Part or Portion of such Grounds shall be determined by the proper Ministers of the Religious Denomination to which such Part or Portion shall have been allotted: Provided also, that at the Burials of the Bodies of Members of the United Church of *England* and *Ireland*, or of the Roman Catholic Church, or of any other Religious Denomination, Burial Service according to the respective Rites of such Church or Denomination may be performed or celebrated by the proper Ministers of such Church or Denomination.

Boards may sell exclusive Rights of Burial, and Rights to erect Monuments, &c.

XXI. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground, subject to the Provisions herein-before contained: Provided

Provided always, that such exclusive Rights shall not extend in all to a Space of One Half of such Burial Ground.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XXII. Any Burial Board may make such Arrangements as they may from Time to Time think fit for regulating and facilitating the Conveyance of the Bodies of the Dead from the Place of Death to any Burial Ground which shall be provided under this Act, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies from whom the Burial Board shall have made any such Purchase, or with whom the Burial Board shall have made any such Contract as herein-before provided, to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations aforesaid.

Places may be provided for Reception of Bodies until Interment.

XXIII. It shall be lawful for any Burial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places such Boards may exercise all the Powers vested in them under this Act for providing Burial Grounds.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.

XXIV. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make such Rules and Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act as may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and for the proper Registry of Interments, and to provide for the Imposition and Recovery of Penalties not exceeding Ten Pounds for each Offence for the Breach or Nonobservance of such Regulations; and the Burial Boards, and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies, shall conform to and obey such Regulations.

Exemption of Burials from Toll.

XXV. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable to any Toll or Pontage.

Board may lay out and embellish Burial Ground.

XXVI. It shall be lawful for any Burial Board to enclose, lay out, and embellish any Burial Ground provided by such Board, in such Manner as may be fitting or proper: Provided always, that in all Cases in which a Burial Board shall provide a new Burial Ground under this Act, it shall be lawful for such Burial Board, with the Sanction of the Lord Lieutenant, to divide such new Burial Ground or some Part thereof into certain Parts and Proportions, to be allotted in such Manner

Manner as to the Lord Lieutenant shall seem fit, for the Burial of the Members of any particular Religious Denomination; and each such Allotment shall, as the Case may require, be consecrated according to the Rites and by the proper Ministers of the respective Religious Denominations for which each such Allotment is so set apart.

Board to fix Payments for Interments in Burial Grounds.

XXVII. Every Burial Board under this Act shall, subject to the Approval of the Lord Lieutenant, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments; and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XXVIII. Minutes of all Proceedings of the Burial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Burial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Burial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXIX. The Burial Board may appoint and may remove at Pleasure a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of or for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting the Business of such Burial Board; and the Provisions and Clauses of "The Commissioners Clauses Act 1847," with respect to the "Appointment and "Accountability of the Officers of the Commissioners," shall, so far as the same are not varied by or inconsistent with the Provisions of this Act, be incorporated therewith; and the Commissioners in the said Act shall signify the "Burial Board" under this Act.

Register of Burials to be kept in every Ground provided under this Act.

XXX. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to do that Duty; and in such Register Book shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Book) are buried; and such Register Book, or Copies or Extracts thereof, or purporting to be Copies or Extracts thereof, shall be received in all Courts as Evidence of the Burials entered therein.

XXXI. The

XXXI. The Commissioners for carrying into execution an Act of the Fourteenth and Fifteenth Year of Her present Majesty, Chapter Twenty-three, intituled *An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor*, and any Act or Acts amending the same, may from Time to Time, if they shall so think fit, make to the Burial Board of any Borough or Place for the Purposes of this Act any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Union, or the Borough Fund, or Rates in this Act mentioned.

Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXXII. For the Purpose of defraying the Expenses incurred in the Execution of this Act, or paying any Money borrowed for such Purpose, or any Interest thereon, the Guardians of every Union who shall be appointed the Burial Board of such Union or any Part thereof, under the Provisions of this Act, shall from Time to Time make and levy such Rates as may be necessary on every Occupier of rateable Hereditaments in or arising within such Union or any Part thereof, not being within the Boundaries or Limits of any Borough as defined by this Act; and all Rates so made under this Act by the Guardians of such Union shall be applotted, assessed, and levied on such Union, or on such Electoral Division situate in such Union, and wholly or partly on the Parishes for which any new Burial Ground shall have been provided under this Act, as the Poor Law Commissioners for *Ireland* shall by any Order in that Behalf direct, and shall be applotted, assessed, and levied as if the Sums so payable were Sums to be applotted, assessed, and levied for the Purpose of carrying into execution the Laws for the Relief of the destitute Poor in *Ireland;* and all Monies borrowed by the Guardians of such Unions for the Purposes of this Act, or any Interest thereon, shall be secured upon the Rates authorized to be made by the Guardians of such Union by this Act; and any Money required to be raised in any Borough or Town in which a Board of Municipal Commissioners shall have been elected, as herein-before mentioned, for defraying such Expense, or paying any Money borrowed under this Act by the Council of such Borough, or the Municipal Commissioners or Town Commissioners of such Town, or any Interest thereon, by means of a Rate levied in such Borough or Town, shall be raised by a separate Rate to be levied within such Borough or Town; and the Council of such Borough and the Municipal Commissioners of such Town shall have all such Powers for making and levying such Rate respectively, and all Provisions shall be applicable in respect thereof, as in the Case of any Borough Rate or Improvement Rate authorized to be made therein under the Provisions of the respective Acts of Parliament under which the Council of such Borough or the Municipal Commissioners of such Town are constituted: Provided always, that such Rates shall be

Expenses of Act to be defrayed by a separate Rate.

be levied wholly or partly in the Parishes within such Borough or Town for which any new Burial Ground shall have been provided under this Act, as the Lord Lieutenant in Council shall by any Order in that Behalf direct; and provided also, that when the Amount of the Rates to be assessed by the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred for carrying this Act into execution; and it shall be lawful for the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town to charge the Expenses under this Act in addition to the other Borough or Town Rates respectively; and all Monies borrowed by the said Council or the said Commissioners under this Act, or any Interest thereon, shall be charged upon the Rates authorized to be levied by the said Council or Commissioners respectively by this Act.

Guardians or Council may appropriate Lands for Purposes of Act.

XXXIII. It shall be lawful for the Guardians of any Union or the Council of any Borough to appropriate for the Purposes of this Act any Land belonging to the Board of Guardians of such Union or to the Body Corporate of such Borough respectively, or vested in any Feoffees, Trustees, or others for the general Benefit of the Union or Borough respectively, or any specific Charity: Provided always, that when any Land so appropriated shall be subject to any Charitable Use such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Burial Ground already provided by the County and City of Waterford to vest in Poor Law Guardians of Waterford Union.

XXXIV. Whereas the Grand Juries of the County and City of *Waterford*, acting under the Act of the Fortieth Year of King *George* the Third, Chapter Ninety-three, purchased a Piece of Ground situate in the Townland of *Ballynasheagh* in the Barony of *Gaultier* in the County of *Waterford*, for the Purpose of a Cemetery, in lieu of the ancient Burial Places of the Six several Parishes of *Trinity Within*, *Saint Michael*, *Saint Stephen Within*, *Saint Olave*, *Saint John Within*, and *Saint Patrick*, in the Borough of *Waterford*, and of the Three Parishes of *Trinity Without*, *Saint John Without*, and *Saint Stephen Without*, partly in the Borough and partly in the County of *Waterford*, and of the Two Parishes of *Kilbarry* and *Kil Saint Laurence* in the County of *Waterford*: And whereas the said Eleven Parishes are all situate within the Poor Law Union of *Waterford*, and it is advisable that the said Piece of Ground should be used as a Burial Ground for all the said Parishes as if all the said Parishes were situate without the Limits of the said Borough of *Waterford*, and as if the said Piece of Ground had been provided as the Burial Ground under this Act for the said several Parishes: Be it enacted, That from and after the passing of this Act the said Piece of Ground shall, without further Conveyance, be vested in the Guardians of the Poor of the *Waterford* Union as the Burial Board, and for the Use of

of all the District at present comprised in the said Eleven Parishes, subject to all the Powers and Regulations in this Act contained relative to Burial Grounds, and as if the same had been purchased and acquired under this Act; and unless the said Piece of Ground shall be discontinued as a Burial Ground by the Lord Lieutenant and Council under the Provisions of the Fifth Section of this Act, all the said Parishes and Portions of Parishes situate in the Borough of *Waterford* shall, for the Purposes of this Act, be considered as if the same were without the Limits of the said Borough of *Waterford*.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XXXV. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act; and the Words "The Company" in "The Cemeteries Clauses Act, 1847," shall signify the "Burial Board" under this Act: Provided always, that every Penalty imposed under and by virtue of this Act shall be enforced, recovered, and appropriated under the Provisions of the "Petty Sessions (*Ireland*) Act, 1851," except when the Act or Offence in respect of which such Penalty shall have been incurred shall have been committed within the Jurisdiction of the Justices of the Police District of *Dublin* Metropolis, in which Case such Penalty shall be enforced and recovered under the Provisions of the Acts relating to such Police Districts.

Burial Boards may borrow Money for laying out Burial Ground, &c., and charge same on Rates to be levied under this Act.

XXXVI. Every Burial Board under this Act may, with the Consent of the Lord Lieutenant, borrow any Sum of Money not exceeding such Sum as the Lord Lieutenant may sanction and appoint, required for providing, laying out, and embellishing any Burial Ground under this Act, or any such Purposes, and may charge the future Assessments or Rates respectively under this Act with the Payment of such Money, and Interest thereon not exceeding Six *per Cent.*; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

Money may be borrowed to pay off Securities.

XXXVII. Any Burial Board acting under this Act may, if they think fit, borrow Money in order to pay off and discharge any Security or Securities, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board under this Act.

Assessment to local Rates not to be increased after Purchase for the Purposes of this or any former Act.

XXXVIII. No Land already or hereafter to be purchased or acquired under the Provisions of this Act, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall, while used for such Purposes, be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

XXXIX. It

Burial Board may let Land not required for Burials.

XXXIX. It shall be lawful for any Burial Board, with the Sanction of the Lord Lieutenant, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but, so, nevertheless, that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving Six Months Notice.

Burial Board to keep in order closed Burial Grounds, &c.

XL. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board shall maintain such Churchyard or Burial Ground in decent Order, and also do the necessary Repair of the Walls and other Fences thereof; and the Costs and Expenses shall be repaid out of the Rates by this Act authorized, unless there shall be some other Fund legally chargeable with Costs and Expenses.

Certain Plot of Ground to be deemed to be within the Limits of the Borough of Limerick.

XLI. And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Limerick* have, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, executed a Lease of a certain Plot of Ground situate at *Gortuemanagh* in the Barony of *Clanwillians* and County of *Limerick* (which Plot of Ground is Part of the Property of the said Corporation of *Limerick*, but is not situate within the Limits or Boundaries of the Borough of *Limerick*,) unto certain Parties for the Term of Two thousand Years, at a certain yearly Rent, for the Purpose of the same being used as a Cemetery or Burial Ground: Be it further enacted, That for the Purposes of this Act the said Plot of Ground shall be deemed and taken to be within the Limits or Boundaries of the said Borough of *Limerick*.

Not to apply to private Mausoleums.

XLII. The Provisions of this Act shall not apply to any private and exclusive Family Mausoleum or Burial Place not being within the Limits of any public Burial Ground.

Extent of Act.

XLIII. This Act shall extend to *Ireland* only.

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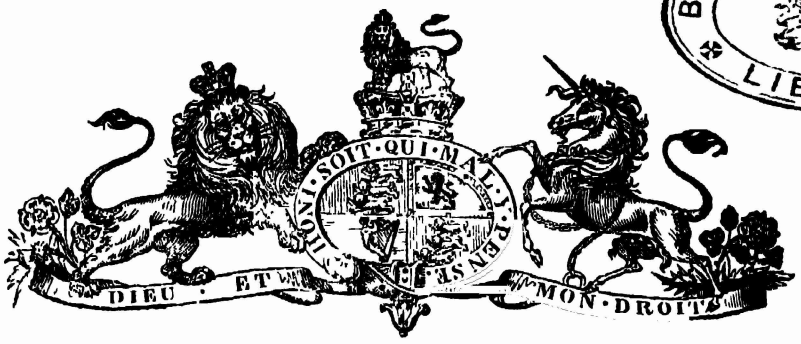

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CAP. XCIX.

An Act to amend the Acts relating to Lunatic Asylums in *Ireland*, so far as relates to Superannuations. [29th *July* 1856.]

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor and for the Custody of Insane Persons charged with Offences in* Ireland; and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King *George* the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King *George* the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King *George* the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine; and it is expedient to amend the said Acts so far as to enable the Governors of Asylums

1 & 2 G. 4. c. 33.
6 G. 4. c. 54.
7 G. 4. c. 14.
11 G. 4. & 1 W. 4. c. 22.
8 & 9 Vict. c. 107.
9 & 10 Vict. c. 115.
18 & 19 Vict. c. 109.

to

to grant Superannuations in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Superannuations, *Ireland*, Act, 1856."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Superannuation of Officers.

III. It shall be lawful for the Governors of Asylums, with the Approval of the Inspectors of Lunatics, or One of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding the Proportions, with reference to the Amount of the Salary of such Officer and the Period of his Service, which by an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, or by any Act amending the same, are directed to be observed.

4 & 5 W. 4. c. 24.

Superannuation Pensions, how to be raised, &c.

IV. The several Superannuation Pensions hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Construction of Acts.

V. This Act and the said recited Acts shall be construed together as if One Act.

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Companies established under recited Act.

or Settlement contains a Provision in accordance with the Enactment herein-before repealed, the Directors retiring at any General Meeting after the passing of this Act shall and may, if duly qualified in other respects, be immediately eligible for Re-election, anything in the Deed of Partnership of such Company contained to the contrary notwithstanding.

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of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts continued.

I. The said recited Act passed in the Twelfth Year of the Reign of Her present Majesty, as the same is extended by the said recited Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, shall continue and be in force until the First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.

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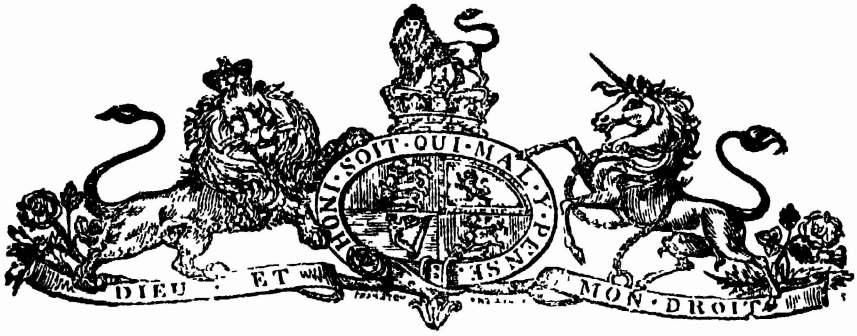

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of any Offence committed before the Commencement of this Act, or anything required to be done or which may hereafter become necessary to be done to support or continue any Proceeding taken before the Commencement of this Act.

Court or Judge may, by Consent of Parties, try Questions of Fact.

[*Sect.* 1. *of* 17 & 18 *Vict.* *c.* 125.]

IV. The Parties to any Cause may, by Consent in Writing, signed by them or their Attorneys, as the Case may be, leave the Decision of any Issue of Fact to the Court, provided that the Court, or a Judge, shall, in their or his Discretion, think fit to allow such Trial, or provided the Judges of the Superior Courts of Law at *Dublin* shall, in pursuance of the Power in "The Common Law Procedure Amendment Act (*Ireland*), 1853," contained, make any General Rule or Order dispensing with such Allowance, either in all Cases or any particular Class or Classes of Cases to be defined in such Rule or Order; and such Issue of Fact may thereupon be tried and determined, and Damages assessed where necessary, in open Court, either in Term or Vacation, by any Judge who might otherwise have presided at the Trial thereof by Jury, either with or without the Assistance of any other Judge or Judges of the same Court, or included in the same Commission at the Assizes; and the Verdict of such Judge or Judges shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

Two Judges may sit at the same Time for Trial of Causes pending in the same Court.

[*Sect.* 2.]

V. It shall be lawful for any One of the Judges of any of the Superior Courts at *Dublin*, at the Request of the Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, to try the Causes entered for Trial at Nisi Prius in *Dublin* in any of the Courts, on the same Days on which the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, or any other Judge of the same Court, shall be sitting to try Causes in *Dublin*, so that the Trial of Two Causes may be proceeded with at the same Time; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend at or for the Trial of any Cause before the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, as the Case may be, shall give their Attendance at and for the Trial thereof before such other Judge as may be sitting to try the same by virtue of this Act; and it shall be lawful for the Registrars and other Officers of the Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, as the Case may be, to appoint from Time to Time fit and proper Persons, to be approved by the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, to attend for them and on their Behalf respectively before such Judge; and the

Power to Registrars to appoint fit Persons to attend the Second Judge.

the Trial of every Cause which shall be so had by virtue of this Act shall, if necessary, be entered of Record, as having been had before the Judge by whom such Cause in fact was tried.

Power to Court or Judge, upon Application, to direct Arbitration before Trial.

VI. If it be made appear, at any Time after the issuing of the Writ, to the Satisfaction of the Court or a Judge, upon the Application of either Party, that the Matter in dispute consists wholly or in part of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for such Court or Judge, upon such Application, if they or he think fit, to decide such Matter in a summary Manner, or to order that such Matter, either wholly or in part, be referred to an Arbitrator appointed by the Parties, or to the Master of the Court, or, in Country Causes, to the Assistant Barrister of any County or Riding, upon such Terms, as to Costs and otherwise, as such Court or Judge shall think reasonable; and the Decision or Order of such Court or Judge, or the Award or Certificate of such Referee, shall be enforceable by the same Process as the Finding of a Jury upon the Matter referred. [*Sect.* 3]

Special Case may be stated, and Question of Fact tried.

VII. If it shall appear to the Court or a Judge that the Allowance or Disallowance of any particular Item or Items in such Account depends upon a Question of Law fit to be decided by the Court, or upon a Question of Fact fit to be decided by a Jury, or by a Judge, upon the Consent of both Parties, as herein-before provided, it shall be lawful for such Court or Judge to direct a Case to be stated, or an Issue or Issues to be tried; and the Decision of the Court upon such Case, and the Finding of the Jury or Judge upon such Issue or Issues, shall be taken and acted upon by the Arbitrator, Master, or Assistant Barrister, as the Case may be, as conclusive. [*Sect.* 4.]

Arbitrator may state Special Case.

VIII. It shall be lawful for the Arbitrator, Master, or Assistant Barrister, upon any compulsory Reference under this Act, or upon any Reference by Consent of Parties where the Submission is or may be made a Rule or Order of any of the Superior Courts of Law or Equity at *Dublin*, if he shall think fit, and if it is not provided to the contrary, to state his Award, as to the whole or any Part thereof, in the Form of a Special Case for the Opinion of the Court, and when an Action is referred, Judgment, if so ordered, may be entered according to the Opinion of the Court. [*Sect.* 5.]

Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.

IX. If upon the Trial of any Issue of Fact by a Judge under this Act it shall appear to the Judge that the Questions arising thereon involve Matter of Account which cannot conveniently be tried before him, it shall be lawful for him, on the Application of either Party, to order that such Matter of Account be referred to an Arbitrator appointed by the Parties, or to the Master of the Court, or, in Country Causes, to the Assistant Barrister of any County or Riding, [*Sect.* 6.]

Riding, upon such Terms, as to Costs and otherwise, as such Judge shall think reasonable; and the Award or Certificate of such Referee shall have the same Effect as herein-before provided as to the Award or Certificate of a Referee before Trial; and it shall be competent for the Judge to proceed to try and dispose of any other Matters in question, not referred, in like Manner as if no Reference had been made.

Proceedings before and Power of such Arbitrator.

[Sect 7.]

X. The Proceedings upon any such Arbitration or Reference as aforesaid shall, except otherwise directed hereby or by the Submission or Document authorizing the Reference, be conducted in like Manner, and subject to the same Rules and Enactments, as to the Power of the Arbitrator, Master of the Court, or Assistant Barrister, and of the Court, the Attendance of Witnesses, the Production of Documents, enforcing or setting aside the Award, and otherwise, as upon a Reference made by Consent under a Rule of Court or Judge's Order.

Power to Judge to send back Matters for Re-consideration to Arbitrator.

[Sect. 8.]

XI. In the Case of any such Arbitration or Reference as aforesaid the Court or a Judge shall have Power at any Time, and from Time to Time, to remit the Matters referred, or any or either of them, to the Re-consideration and Re-determination of the said Arbitrator or Referee, upon such Terms, as to Costs and otherwise, as to the said Court or Judge may seem proper.

Applications to set aside the Award.

[Sect. 9.]

XII. All Applications to set aside any Award made on a compulsory Reference under this Act shall and may be made within the first Seven Days of the Term next following the Publication of the Award to the Parties, whether made in Vacation or Term; and if no such Application is made, or if no Rule is granted thereon, or if any Rule granted thereon is afterwards discharged, such Award shall be final between the Parties.

Enforcing of Awards within Period for setting them aside.

[Sect. 10.]

XIII. Any Award made on a compulsory Reference under this Act may, by Authority of a Judge, on such Terms as to him may seem reasonable, be enforced at any Time after Seven Days from the Time of Publication, notwithstanding that the Time for moving to set it aside has not elapsed.

If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.

[Sect. 11.]

XIV. Whenever the Parties to any Deed or Instrument in Writing to be hereafter made or executed, or any of them, shall agree that any then existing or future Differences between them or any of them shall be referred to Arbitration, and any One or more of the Parties so agreeing, or any Person or Persons claiming through or under him or them, shall nevertheless commence any Action at Law or Suit in Equity against the other Party or Parties, or any of them, or against any Person or Persons claiming through or under him or them in respect of the Matters so agreed to be referred, or any of them, it shall be lawful for the Court in which the Action or Suit is brought, or a Judge thereof, on Application by the Defendant or Defendants, or any

any of them, before Appearance and Defence or Answer, upon being satisfied that no sufficient Reason exists why such Matters cannot be or ought not to be referred to Arbitration according to such Agreement as aforesaid, and that the Defendant was at the Time of the bringing of such Action or Suit and still is ready and willing to join and concur in all Acts necessary and proper for causing such Matters so to be decided by Arbitration, to make a Rule or Order staying all Proceedings in such Action or Suit, on such Terms, as to Costs and otherwise, as to such Court or Judge may seem fit: Provided always, that any such Rule or Order may at any Time afterwards be discharged or varied as Justice may require.

On Failure of Parties to appoint Arbitrators, the Judge may appoint an Arbitrator, Umpire, or Third Arbitrator.

XV. If in any Case of Arbitration the Document authorizing the Reference provide that the Reference shall be to a single Arbitrator, and all the Parties do not, after Differences have arisen, concur in the Appointment of an Arbitrator; or if any appointed Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of such Document do not show that it was intended that such Vacancy should not be supplied, and the Parties do not concur in appointing a new one; or if, where the Parties or Two Arbitrators are at liberty to appoint an Umpire or Third Arbitrator, such Parties or Arbitrators do not appoint an Umpire or Third Arbitrator; or if any appointed Umpire or Third Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of the Document authorizing the Reference do not show that it was intended that such a Vacancy should not be supplied, and the Parties or Arbitrators respectively do not appoint a new one; then in every such Instance any Party may serve the remaining Parties or the Arbitrators, as the Case may be, with a written Notice to appoint an Arbitrator, Umpire, or Third Arbitrator respectively; and if within Seven clear Days after such Notice shall have been served no Arbitrator, Umpire, or Third Arbitrator be appointed, it shall be lawful for the Court or any Judge of any of the Superior Courts of Law or Equity at *Dublin*, upon the Application of the Party having served such Notice as aforesaid, to appoint an Arbitrator, Umpire, or Third Arbitrator, as the Case may be, and such Arbitrator, Umpire, and Third Arbitrator respectively shall have the like Power to act in the Reference and make an Award as if he had been appointed by Consent of all Parties.

[Sect. 12.]

When Reference is to Two Arbitrators, and One Party fail to appoint, the other Party may appoint Arbitrator to act alone.

XVI. When the Reference is or is intended to be to Two Arbitrators, One appointed by each Party, it shall be lawful for either Party, in the Case of the Death, Refusal to act, or Incapacity of any Arbitrator appointed by him, to substitute a new Arbitrator, unless the Document authorizing the Reference show that it was intended that the Vacancy should not be supplied; and if on such a Reference One Party fail to appoint an Arbitrator, either originally or by way of Substitution as aforesaid, for Seven clear Days after the other

[Sect. 13.]

other Party shall have appointed an Arbitrator, and shall have served the Party so failing to appoint with Notice in Writing to make the Appointment, the Party who has appointed an Arbitrator may appoint such Arbitrator to act as sole Arbitrator in the Reference, and an Award made by him shall be binding on both Parties as if the Appointment had been by Consent; provided, however, that the Court or a Judge may revoke such Appointment on such Terms as shall seem just.

When Reference is to Two Arbitrators they may appoint an Umpire.

[*Sect.* 14.]

XVII. When the Reference is to Two Arbitrators, and the Terms of the Document authorizing it do not show that it was intended that there should not be an Umpire, or provide otherwise for the Appointment of an Umpire, the Two Arbitrators may appoint an Umpire at any Time within the Period during which they have Power to make an Award, unless they be called upon by Notice as aforesaid to make the Appointment sooner.

Award to be made in Three Months, unless Parties or Court enlarge the Time.

[*Sect.* 15.]

XVIII. The Arbitrator acting under any such Document or compulsory Order of Reference as aforesaid, or under any Order referring the Award back, shall make his Award under his Hand, and (unless such Document or Order respectively shall contain a different Limit of Time) within Three Months after he shall have been appointed, and shall have entered on the Reference, or shall have been called upon to act by a Notice in Writing from any Party, but the Parties may by Consent in Writing enlarge the Term for making the Award; and it shall be lawful for the Court of which such Submission, Document, or Order is or may be made a Rule or Order, or for any Judge thereof, for good Cause to be stated in the Rule or Order for Enlargement, from Time to Time to enlarge the Term for making the Award; and if no Period be stated for the Enlargement in such Consent or Order for Enlargement, it shall be deemed to be an Enlargement for One Month; and in any Case where an Umpire shall have been appointed it shall be lawful for him to enter on the Reference in lieu of the Arbitrators, if the latter shall have allowed their Time or their extended Time to expire without making an Award, or shall have delivered to any Party or to the Umpire a Notice in Writing stating that they cannot agree.

Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.

[*Sect.* 16.]

XIX. When any Award made on any such Submission, Document, or Order of Reference as aforesaid directs that Possession of any Lands or Tenements capable of being the Subject of an Action of Ejectment shall be delivered to any Party, either forthwith or at any future Time, or that any such Party is entitled to the Possession of any such Lands or Tenements, it shall be lawful for the Court of which the Document authorizing the Reference is or is made a Rule or Order to order any Party to the Reference who shall be in possession

possession of any such Lands or Tenements, or any Person in possession of the same claiming under or put in possession by him since the making of the Document authorizing the Reference, to deliver Possession of the same to the Party entitled thereto, pursuant to the Award, and such Rule or Order to deliver Possession shall have the Effect of a Judgment in Ejectment against every such Party or Person named in it, and Execution may issue, and Possession shall be delivered by the Sheriff as on a Judgment in Ejectment.

Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.

XX. Every Agreement or Submission to Arbitration by Consent, whether by Deed or Instrument in Writing not under Seal, may be made a Rule of any One of the Superior Courts of Law or Equity at *Dublin*, on the Application of any Party thereto, unless such Agreement or Submission contain Words purporting that the Parties intend that it should not be made a Rule of Court; and if in any such Agreement or Submission it is provided that the same shall or may be made a Rule of One in particular of such Superior Courts, it may be made a Rule of that Court only; and if when there is no such Provision a Case be stated in the Award for the Opinion of One of the Superior Courts, and such Court be specified in the Award, and the Document authorizing the Reference have not, before the Publication of the Award to the Parties, been made a Rule of Court, such Document may be made a Rule only of the Court specified in the Award; and when in any Case the Document authorizing the Reference is or has been made a Rule or Order of any One of such Superior Courts, no other of such Courts shall have any Jurisdiction to entertain any Motion respecting the Arbitration or Award.

[*Sect.* 17.]

As to Addresses of Council to Juries on Trials of Causes.

XXI. Upon the Trial of any Cause the Addresses to the Jury shall be regulated as follows: The Party who begins, or his Counsel, shall be allowed, in the event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence, to address the Jury a Second Time at the Close of such Case, for the Purpose of summing up the Evidence; and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence (if any); and the Right to reply shall be the same as at present.

[*Sect.* 18.]

Power to Court or Judge to adjourn Trials.

XXII. It shall be lawful for the Court or Judge, at the Trial of any Cause, where they or he may deem it right for the Purposes of Justice, to order an Adjournment for such Time, and subject to such Terms and Conditions as to Costs, and otherwise, as they or he may think fit.

[*Sect.* 19.]

Affirmation instead of Oath in certain Cases.

XXIII. If any Person called as a Witness, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged

[*Sect.* 20.]

alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge or other presiding Officer, or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following; *videlicet*,

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, That 'the taking of any Oath is, according to my Religious Belief, 'unlawful; and I do also solemnly, sincerely, and truly affirm and 'declare,' *&c.*

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

[*Sect.* 21.]

XXIV. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

How far a Party may discredit his own Witness.

[*Sect.* 22.]

XXV. A Party producing a Witness shall not be allowed to impeach his Credit by general Evidence of bad Character, but he may, in case the Witness shall in the Opinion of the Judge prove adverse, contradict him by other Evidence, or, by Leave of the Judge, prove that he has made at other Times a Statement inconsistent with his present Testimony; but before such last-mentioned Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Proof of contradictory Statements of adverse Witness.

[*Sect.* 23.]

XXVI. If a Witness, upon Cross-examination as to a former Statement made by him relative to the Subject Matter of the Cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such Statement, Proof may be given that he did in fact make it; but before such Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Cross-examination as to previous Statements in Writing.

[*Sect.* 24.]

XXVII. A Witness may be cross-examined as to previous Statements made by him in Writing, or reduced into Writing, relative to the Subject Matter of the Cause, without such Writing being shown to him; but if it is intended to contradict such Witness by the Writing, his Attention must, before such contradictory Proof can be given, be called

called to those Parts of the Writing which are to be used for the Purpose of so contradicting him: Provided always, that it shall be competent for the Judge, at any Time during the Trial, to require the Production of the Writing for his Inspection, and he may thereupon make such Use of it for the Purposes of the Trial as he shall think fit.

Proof of previous Conviction of a Witness may be given.

XXVIII. A Witness in any Cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and, upon being so questioned, if he either denies the Fact, or refuses to answer, it shall be lawful for the opposite Party to prove such Conviction; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for such Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person, be sufficient Evidence of the said Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Attesting Witness need not be called, except in certain Cases.

XXIX. It shall not be necessary to prove by the attesting Witness any Instrument to the Validity of which Attestation is not requisite; and such Instrument may be proved by Admission, or otherwise, as if there had been no attesting Witness thereto.

Comparison of disputed Writing.

XXX. Comparison of a disputed Writing with any Writing proved to the Satisfaction of the Judge to be genuine shall be permitted to be made by Witnesses; and such Writings, and the Evidence of Witnesses respecting the same, may be submitted to the Court and Jury as Evidence of the Genuineness, or otherwise, of the Writing in dispute.

Certified Copy of Will to be sufficient Evidence.

XXXI. In any Action at Law or Suit in Equity where, according to the existing Law, it would be necessary to produce and prove an original Will or other Testamentary Instrument in order to establish a Devise or other Testamentary Disposition, Probate or Letters of Administration of such Will or other Testamentary Instrument, or a Copy thereof purporting to be certified as a true Copy by some Officer of the Testamentary Court in which the same shall have been lodged, shall be sufficient Evidence of such Will or other Testamentary Instrument and its Contents; provided that the Party intending to produce such Probate, Letters of Administration, or Copy shall have given Seven Days Notice of such his Intention to the opposite Party, and unless the Party receiving such Notice shall, within Three Days thereafter,

thereafter, by a counter Notice, require the Production and Proof of the original Will or other Testamentary Instrument.

Court or Judge may, on the Application to such Court or Judge for such Purpose, order certain Documents to be taken as sufficient Evidence of Will, &c.

XXXII. Provided always, That in case any such counter Notice shall be served, it shall be lawful for the Party intending to produce such Probate, Letters of Administration, or Copy, to apply to the Court or a Judge for an Order that such Probate, Letters of Administration, or Copy shall be deemed and taken as sufficient Evidence of such Will or other Testamentary Instrument, and its Contents, and thereupon the Court or Judge may make such Order in relation thereto as may be fit, and the said Court or Judge may thereupon determine by whom the Costs of such Application shall be paid, and upon what Terms, if any, such Will or other Testamentary Document shall be produced.

As to Costs of Proof of Will.

XXXIII. In every Case in which, after the Notices mentioned in the last Section, the original Will or other Testamentary Instrument shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Provision as to Documents produced at Trial and not sufficiently stamped.

XXXIV. Upon the Production of any Document as Evidence at the Trial of any Cause, it shall be the Duty of the Officer of the Court whose Duty it is to read such Document to call the Attention of the Judge to any Omission or Insufficiency of the Stamp; and the Document, if unstamped, or not sufficiently stamped, shall not be received in Evidence until the whole or (as the Case may be) the Deficiency of the Stamp Duty, and the Penalty required by Statute, together with the additional Penalty of One Pound, shall have been paid.

Officer of the Court to receive the Duty and Penalties, and pay them over to the Inland Revenue.

XXXV. Such Officer of the Court shall, upon Payment to him of the whole or (as the Case may be) of the Deficiency of the Stamp Duty payable upon or in respect of such Document, and of the Penalty required by Statute, and of the additional Penalty of One Pound, give a Receipt for the Amount of the Duty or Deficiency which the Judge shall determine to be payable, and also of the Penalty, and thereupon such Document shall be admissible in Evidence, saving all just Exceptions on other Grounds; and an Entry of the Fact of such Payment and of the Amount thereof shall be made in a Book kept by such Officer; and such Officer shall, at the End of each Sittings or Assizes (as the Case may be), duly make a Return to the Commissioners of the Inland Revenue of the Monies, if any, which he has so received by way of Duty or Penalty, distinguishing between such Monies, and stating the Name of the Cause and of the Parties from whom he received such Monies, and the Date, if any, and Description of the Document,

Document, for the Purpose of identifying the same; and he shall pay over the said Monies to the Receiver General of the Inland Revenue, or to such Person as the said Commissioners shall appoint or authorize to receive the same; and in case such Officer shall neglect or refuse to furnish such Account, or to pay over any of the Monies so received by him as aforesaid, he shall be liable to be proceeded against in the Manner directed by the Eighth Section of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, and to amend the Laws relating to the Stamp Duties;* and the said Commissioners shall, upon Request, and Production of the Receipt herein-before mentioned, cause such Documents to be stamped with the proper Stamp or Stamps in respect of the Sums so paid as aforesaid: Provided always, that the aforesaid Enactment shall not extend to any Document which cannot now be stamped after the Execution thereof on Payment of the Duty and a Penalty.

If Officer neglect to pay over Monies he shall be proceeded against as directed by 13 & 14 Vict c. 97.

XXXVI. No Document made or required under the Provisions of this Act shall be liable to any Stamp Duty.

No Document to require a Stamp.

XXXVII. No new Trial shall be granted by reason of the Ruling of any Judge that the Stamp upon any Document is sufficient, or that the Document does not require a Stamp.

No new Trial for ruling as to Sufficiency of Stamp.

XXXVIII. Error may be brought upon a Judgment upon a Special Case stated under this Act in any Award in the same Manner as upon a Judgment upon a Special Verdict, unless the Parties agree to the contrary; and the Proceedings for bringing such Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict; and the Court of Error shall either affirm the Judgment or give the same Judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case which the Court where it was originally decided ought to have drawn.

Error may be brought on a Special Case.

XXXIX. In every Rule Nisi for a new Trial or to enter a Verdict or Nonsuit, the Grounds upon which such Rule shall have been granted shall be shortly stated therein.

Grounds to be stated in Rule Nisi for new Trial.

XL. In all Cases of Rules to enter a Verdict or Nonsuit upon a Point reserved at the Trial, if the Rule to show Cause be refused or granted and then discharged or made absolute, the Party decided against may appeal.

If Rule Nisi refused, Party may appeal.

XLI. In

Appeal upon Rule discharged or absolute.

XLI. In all Cases of Motions for a new Trial upon the Ground that the Judge has not ruled according to Law, if the Rule to show Cause be refused, or if granted be then discharged or made absolute, the Party decided against may appeal, provided any One of the Judges dissent from the Rule being refused, or, when granted, being discharged or made absolute, as the Case may be, or, provided the Court in its Discretion think fit that an Appeal should be allowed; provided, that where the Application for a new Trial is upon Matter of Discretion only, as on the Ground that the Verdict was against the Weight of Evidence or otherwise, no such Appeal shall be allowed.

As to Courts of Appeal.

XLII. The Court of Exchequer Chamber and the House of Lords shall be Courts of Appeal for the Purposes of this Act.

Notice of Appeal.

XLIII. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to the Master of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Bail.

XLIV. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum recovered and Costs, or to pay Costs where the Appellant was Plaintiff below, be given, in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

Form of Appeal.

XLV. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties (and in case of Difference, to be settled by the Court or a Judge of the Court appealed from), in which Case shall be set forth so much of the Pleadings, Evidence, and the Ruling or Judgment objected to, as may be necessary to raise the Question for the Decision of the Court of Appeal.

Rule Nisi granted on Appeal, how disposed of.

XLVI. When the Appeal is from the Refusal of the Court below to grant a Rule to show Cause, and the Court of Appeal grant such Rule, such Rule shall be argued and disposed of in the Court of Appeal.

Court of Appeal to give Judgment of Court below.

XLVII. The Court of Appeal shall give such Judgment as ought to have been given in the Court below; and all such further Proceedings may be taken thereupon as if the Judgment had been given by the Court in which the Record originated.

Powers of Court of Appeal as to Costs and otherwise.

XLVIII. The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution, and they shall have the same Powers as the Court in which the Record originated in respect of awarding Process and otherwise.

XLIX. Upon

XLIX. Upon an Award of a Trial *de novo* by any One of the Superior Courts, or the Court of Exchequer Chamber, upon Matter appearing upon the Record, Error may at once be brought; and if the Judgment in such or any other Case be affirmed in Error, it shall be lawful for the Court of Error to adjudge Costs to the Defendant in Error.

Error upon Award of Trial de novo.

L. When a new Trial is granted on the Ground that the Verdict was against Evidence, the Costs of the First Trial shall abide the Event, unless the Court shall otherwise order.

Payment of Costs upon new Trial on Matter of Fact.

LI. Upon the Hearing of any Motion it shall be lawful for the Court or Judge, at their or his Discretion, and upon such Terms as they or he shall think reasonable, from Time to Time to order such Documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear, and be examined *vivâ voce*, either before such Court or Judge, or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Power to Court or Judge to direct oral Examination of Witnesses.

LII. The Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of the Witnesses named therein, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same Manner, and shall have the same Force and Effect, as a Rule of the Court under the Act of the Third and Fourth *Victoria*, Chapter One hundred and five; and it shall be lawful for the Court, or Judge, or Master to adjourn the Examination from Time to Time as Occasion may require; and the Proceedings upon such Examination shall be conducted, and the Depositions taken down, as nearly as may be, in the Mode now in use with respect to the *vivâ voce* Examination of Witnesses under the last-mentioned Act.

Proceedings before and upon such Examination.

3 & 4 Vict. c. 105.

LIII. Any Party to any Action, Suit, or other Civil Proceeding in any of the Superior Courts, requiring the Affidavit of a Person who refuses to make an Affidavit, may apply by Notice for an Order to such Person to appear and be examined upon Oath before a Judge or Master as to the Matters concerning which he has refused to make an Affidavit; and the Court or Judge may make such Order for the Attendance of such Person before the Judge or Master appointed to take such Examination, for the Purpose of being examined as aforesaid, and for the Production of any Writings or Documents to be mentioned in such Order, and may therein impose such Terms as to such

Examination of Person who refuses to make an Affidavit.

such Examination, and the Costs of the Application and Proceedings thereon, as shall appear just.

Proceedings upon Order for Examination as under 3 & 4 Vict. c. 105.

LIV. Such Order shall be proceeded upon in like Manner as an Order made under the herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five, and the Examination thereon shall be conducted, and the Depositions taken down and returned, as nearly as may be, in the Mode now used on *vivâ voce* Examinations under the said Act of Parliament.

Power to Court or Judge to order Production of Documents.

LV. Upon the Application of either Party to any Action, Suit, or other Civil Proceeding in any of the Superior Courts, upon an Affidavit by such Party of his Belief that any Document, to the Production of which he is entitled for the Purpose of Discovery or otherwise, is in the Possession or Power of the opposite Party, it shall be lawful for the Court or Judge to order that the Party against whom such Application is made, or if such Party is a Body Corporate that some Officer to be named of such Body Corporate, shall answer on Affidavit, stating what Documents he or they has or have in his or their Possession or Power relating to the Matters in dispute, or what he knows as to the Custody they or any of them are in, and whether he or they objects or object (and if so, on what Grounds,) to the Production of such as are in his or their Possession or Power; and upon such Affidavit being made the Court or Judge may make such further Order thereon as shall be just.

Power to deliver written Interrogatories to opposite Party.

LVI. In all Causes in any of the Superior Courts, by Order of the Court or a Judge, the Plaintiff may, with the Writ of Summons and Plaint, and the Defendant may, with the Appearance and Defence, or either of them, by Leave of the Court or a Judge, may, at any other Time, deliver to the opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such Matter) Interrogatories in Writing upon any Matter as to which Discovery may be sought, and require such Party, or in the Case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days, to answer the Questions in Writing by Affidavit, to be sworn and filed in the ordinary Way; and any Party or Officer omitting, without just Cause, sufficiently to answer all Questions as to which a Discovery may be sought within the above Time, or such extended Time as the Court or a Judge shall allow, shall be deemed to have committed a Contempt of the Court, and shall be liable to be proceeded against accordingly.

LVII. The

LVII. The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate, of their Attorney or Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is a good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay; provided that where it shall happen, from unavoidable Circumstances, that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may allow and order that the Interrogatories may be delivered without such Affidavit.

Affidavits by Party proposing to interrogate, and his Attorney.

LVIII. In case of Omission, without just Cause, to answer sufficiently such written Interrogatories, the Court or a Judge may direct an oral Examination of the interrogated Party, as to such Points as shall appear fit, before a Judge or the Master; and the Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of such Party or Parties before the Person appointed to take such Examination, for the Purpose of being orally examined as aforesaid, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and may impose therein such Terms as to such Examination, and the Costs of the Application, and of the Proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

Oral Examination of Parties, when to be allowed.

LIX. Such Rule or Order shall have the same Force and Effect, and may be proceeded upon in like Manner, as an Order made under the said herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five.

Proceedings upon such Rule or Order.

LX. Whenever, by virtue of this Act, an Examination of any Witness or Witnesses has been taken before a Judge of One of the said Superior Courts, or before the Master, the Depositions shall be returned to and kept in the Master's Office of the Court in which the Proceedings are pending; and Office Copies of such Depositions may be given out, and the Depositions may be otherwise used, in the same Manner as in the Case of Depositions taken under the herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five.

Depositions upon such Examinations to be returned to Master's Office.

LXI. It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required, to make, if need be, a special

Examiner may make Report to the Court.

special Report to the Court in which such Proceedings are pending touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of the Court.

Costs of Rule and Examination to be in the Discretion of the Court.

LXII. The Costs of every Application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act, and of the Rule or Order and Proceedings thereon, shall be in the Discretion of the Court or Judge by whom such Rule or Order is made.

Judge may order an Attachment of Debts.

LXIII. It shall be lawful for a Judge, upon the *ex-parte* Application of a Judgment Creditor, and upon Affidavit by himself or his Attorney stating that Judgment has been recovered, and that it is still unsatisfied, and to what Amount, and that any other Person is indebted to the Judgment Debtor, and is within the Jurisdiction, to order that all Debts owing or accruing from such Third Person (herein-after called the Garnishee) to the Judgment Debtor shall be attached to answer the Judgment Debt; and by the same or any subsequent Order it may be ordered that the Garnishee shall appear before the Judge or Master, as such Judge shall appoint, to show Cause why he should not pay the Judgment Creditor the Debt due from him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt.

Order for Attachment to bind Debts.

LXIV. Service of an Order that Debts due or accruing to the Judgment Debtor shall be attached, or Notice thereof to the Garnishee, in such Manner as the Judge shall direct, shall bind such Debts in his Hands.

Proceedings to levy Amount due from Garnishee to Judgment Debtor.

LXV. If the Garnishee does not forthwith pay into Court the Amount due from him to the Judgment Debtor, or an Amount equal to the Judgment Debt, and does not dispute the Debt due or claimed to be due from him to the Judgment Debtor, or if he does not appear upon Summons, then the Court or a Judge may order Execution to issue, and it may be sued forth accordingly, without any previous Writ or Process, to levy the Amount due from such Garnishee towards Satisfaction of the Judgment Debt.

Judge may allow Judgment Creditor to sue Garnishee.

LXVI. If the Garnishee disputes his Liability, the Court or a Judge, instead of making an Order that Execution shall issue, may order that the Judgment Creditor shall be at liberty to proceed against the

the Garnishee by Writ, calling upon him to show Cause why there should not be Execution against him for the alleged Debt, or for the Amount due to the Judgment Debtor, if less than the Judgment Debt, and for Costs of Suit; and the Proceedings upon such Suit shall be the same, as nearly as may be, as upon a Writ of Revivor issued under "The Common Law Procedure Act Amendment Act, *Ireland*, 1853."

Discharge of Garnishee.

LXVII. Payment made by or Execution levied upon the Garnishee under any such Proceeding as aforesaid shall be a valid Discharge to him as against the Judgment Debtor to the Amount paid or levied, although such Proceeding may be set aside or the Judgment reversed.

Attachment Book to be kept by the Masters of each Court.

LXVIII. In each of the Superior Courts there shall be kept at the Master's Office a Debt Attachment Book, and in such Book Entries shall be made of the Attachment and Proceedings thereon, with Names, Dates, and Statements of the Amount recovered, and otherwise; and the Mode of keeping such Books shall be the same in all the Courts; and Copies of any Entries made therein may be taken by any Person, upon Application to the Master.

As to Costs of Application for Attachment, &c.

LXIX. The Costs of any Application for an Attachment of Debt under this Act, and of any Proceedings arising from or incidental to such Application, shall be in the Discretion of the Court or a Judge.

Action for Mandamus to enforce the Performance of Duties.

LXX. The Plaintiff in any Action in any of the Superior Courts, except Replevin and Ejectment, may claim in the Writ of Summons and Plaint, either together with any other Demand which may now be enforced in such Action or separately, a Writ of Mandamus commanding the Defendant to fulfil any Duty in the Fulfilment of which the Plaintiff is personally interested.

Declaration in Action for Mandamus.

LXXI. The Writ of Summons and Plaint in such Action shall set forth sufficient Grounds upon which such Claim is founded, and shall set forth that the Plaintiff is personally interested therein, and that he sustains or may sustain Damage by the Nonperformance of such Duty, and that Performance thereof has been demanded by him, and refused or neglected.

Proceedings upon Claim for Mandamus.

LXXII. The Pleadings and other Proceedings in any Action in which a Writ of Mandamus is claimed shall be the same in all respects, as nearly as may be, and Costs shall be recoverable by either Party, as in an ordinary personal Action.

Judgment and Execution.

LXXIII. In case Judgment shall be given for the Plaintiff that a Mandamus do issue, it shall be lawful for the Court in which such Judgment

Judgment is given, if it shall see fit, besides issuing Execution in the ordinary Way for the Costs and Damages, also to issue a peremptory Writ of Mandamus to the Defendant, commanding him forthwith to perform the Duty to be enforced.

Form of peremptory Writ.

LXXIV. The Writ need not recite the Writ of Summons and Plaint, or other Proceedings, or the Matter therein stated, but shall simply command the Performance of the Duty, and in other respects shall be in the Form of an ordinary Writ of Execution, except that it shall be directed to the Party and not to the Sheriff, and may be issued in Term or Vacation, and returnable forthwith; and no Return thereto, except that of Compliance, shall be allowed, but Time to return it may, upon sufficient Grounds, be allowed by the Court or a Judge, either with or without Terms.

Effect of Writ of Mandamus, and Proceedings to enforce it.

LXXV. The Writ of Mandamus so issued as aforesaid shall have the same Force and Effect as a peremptory Writ of Mandamus issued out of the Court of Queen's Bench, and in case of Disobedience may be enforced by Attachment.

The Court may order the Act required to be done to be done at the Expense of the Defendant.

LXXVI. The Court or a Judge may, upon Application by the Plaintiff, besides or instead of proceeding against the disobedient Party by Attachment, direct that the Act required to be done may be done by the Plaintiff, or some other Person appointed by the Court, at the Expense of the Defendant; and upon the Act being done the Amount of such Expense may be ascertained by the Court, either by Writ of Inquiry or Reference to the Master, as the Court or a Judge may order; and the Court may order Payment of the Amount of such Expenses and Costs, and enforce Payment thereof by Execution.

Prerogative Writ of Mandamus preserved.

LXXVII. Nothing herein contained shall take away the Jurisdiction of the Court of Queen's Bench to grant Writs of Mandamus; nor shall any Writ of Mandamus issued out of that Court be invalid by reason of the Right of the Prosecutor to proceed by Action for Mandamus under this Act.

Proceedings for Prerogative Writ of Mandamus accelerated.

LXXVIII. Upon Application by Motion for any Writ of Mandamus in the Court of Queen's Bench, the Rule may in all Cases be absolute in the first instance, if the Court shall think fit; and the Writ may bear Teste on the Day of its issuing, and may be made returnable forthwith, whether in Term or in Vacation, but Time may be allowed to return it, by the Court or a Judge, either with or without Terms.

LXXIX. The

LXXIX. The Provisions of "The Common Law Procedure Amendment Act (*Ireland*), 1853," and of this Act, so far as they are applicable, shall apply to the Pleadings and Proceedings upon a Prerogative Writ of Mandamus issued by the Court of Queen's Bench, but subject to any General Rules which the said Court may make, and which it is hereby empowered to make in relation thereto.

Proceedings on Prerogative Writ of Mandamus.

LXXX. The Court or a Judge shall have Power, if they or he see fit so to do, upon the Application of the Plaintiff in any Action for the Detention of any Chattel, to order that Execution shall issue for the Return of the Chattel detained, without giving the Defendant the Option of retaining such Chattel upon paying the Value assessed, and that if the said Chattel cannot be found, and unless the Court or a Judge should otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick till the Defendant render such Chattel, or, at the Option of the Plaintiff, that he cause to be made of the Defendant's Goods the assessed Value of such Chattel; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action.

Specific Delivery of Chattels.

LXXXI. In all Cases of Breach of Contract or other Injury, where the Party injured is entitled to maintain and has brought an Action, he may, in like Case and Manner as herein-before provided with respect to Mandamus, claim a Writ of Injunction against the Repetition or Continuance of such Breach of Contract or other Injury, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating the same Property or Right; and he may also in the same Action include a Claim for Damages or other Redress.

Claim of Writ of Injunction.

LXXXII. The Writ of Summons and Plaint in such Action shall be in the same Form as the Writ of Summons and Plaint in any personal Action; but on every such Writ and Copy thereof there shall be endorsed a Notice that in default of Appearance the Plaintiff may, besides proceeding to Judgment and Execution for Damages and Costs, apply for and obtain a Writ of Injunction.

Form of Writ of Summons and Endorsement thereon.

LXXXIII. The Proceedings in such Action shall be the same, as nearly as may be, and subject to the like Control, as the Proceedings in an Action to obtain a Mandamus under the Provisions herein-before contained; and in such Action Judgment may be given that the Writ of Injunction do or do not issue, as Justice may require; and in case of Disobedience such Writ of Injunction may be enforced by Attachment by the Court or by a Judge.

Form of Proceedings and of Judgment.

LXXXIV. It

Writ of Injunction may be applied for at any Stage of the Cause.

LXXXIV. It shall be lawful for the Plaintiff, at any Time after the Commencement of the Action, and whether before or after Judgment, to apply *ex parte* to the Court or a Judge for a Writ of Injunction to restrain the Defendant in such Action from the Repetition or Continuance of the wrongful Act or Breach of Contract complained of, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating to the same Property or Right; and such Writ may be granted or denied by the Court or Judge, upon such Terms as to the Duration of the Writ, keeping an Account, giving Security, or otherwise, as to such Court or Judge shall seem reasonable and just, and in case of Disobedience such Writ may be enforced by Attachment: Provided always, that any Order for a Writ of Injunction made by a Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Order.

Equitable Defence may be pleaded.

LXXXV. It shall be lawful for the Defendant in any Action, and for the Plaintiff in any Action for Replevin of Goods, in any of the Superior Courts, in which, if Judgment were obtained, he would be entitled to Relief against such Judgment on equitable Grounds, to plead the Facts which entitle him to such Relief, and the said Courts are hereby empowered to receive such Pleading, provided that such Pleading shall begin with the Words "For Defence on equitable Grounds," or Words to the like Effect.

Equitable Defence after Judgment.

LXXXVI. Any such Matter which, if it arose before or during the Time for pleading, would be an Answer to the Action if pleaded, may, if it arise after the Lapse of the Period during which it could be pleaded, be set up by way of Auditâ querelâ, or in such other Manner as the Judges may by any General Rules or Orders direct.

Equitable Replication.

LXXXVII. It shall be lawful for the Court or a Judge to permit any of the Parties to reply in answer to any Pleading of the opposite Facts which avoid such Pleading upon equitable Grounds, provided that such Reply shall begin with the Words "For Replication on equitable Grounds," or Words to the like Effect.

Court or Judge may strike out equitable Plea or Replication.

LXXXVIII. If it shall appear to the Court or a Judge that any such equitable Pleading cannot be dealt with by a Court of Law so as to do Justice between the Parties, it shall be lawful for such Court or Judge to order the same to be struck out, on such Terms, as to Costs and otherwise, as may seem reasonable.

Superior Courts of Common

LXXXIX. It shall and may be lawful for any of the Superior Courts of Common Law in *Ireland*, in any Action of Ejectment on the Title to

to be commenced after the passing of this Act, to make an Order directing temporary Bars to be waived and the real Title tried in such Ejectment, in any Case in which it shall be made appear to the Satisfaction of such Court that a Decree or Decretal Order to the same Effect would be pronounced by the Court of Chancery upon a Bill or Cause Petition filed for the Purpose of having temporary Bars waived, but upon such Terms or Conditions as to said Court shall seem just.

Law may in Action of Ejectment order real Title to be tried in such Ejectment.

XC. In case of any Action founded upon a Bill of Exchange or other negotiable Instrument, it shall be lawful for the Court or a Judge to order that the Loss of such Instrument shall not be set up, provided an Indemnity is given, to the Satisfaction of the Court, Judge, or Master, against the Claims of any other Person upon such negotiable Instrument.

Actions on lost Instruments.

XCI. The Superior Courts or any Judge thereof may, upon summary Application, by Rule or Order, exercise such and the like Jurisdiction as may, under Section 511 of the Merchant Shipping Act, 1854, be exercised by any Court of Equity.

Jurisdiction under 17 & 18 Vict. c. 104.

XCII. Any Person who shall, upon any Examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Penalty on giving false Evidence.

XCIII. Where an Action would, but for the Provisions of "The Common Law Procedure Amendment Act (*Ireland*), 1853," have abated by reason of the Death of either Party, and in which the Proceedings may be revived and continued under that Act, the Defendant or Person against whom the Action may be so continued may apply by Notice to compel the Plaintiff, or Person entitled to proceed with the Action in the Room of the Plaintiff, to proceed according to the Provisions of the said Act within such Time as the Court or Judge shall order; and in default of such Proceeding the Defendant or other Person against whom the Action may be so continued as aforesaid shall be entitled to enter a Suggestion of such Default, and of the representative Character of the Person by or against whom the Action may be proceeded with, as the Case may be, and to have Judgment for the Costs of the Action and Suggestion against the Plaintiff, or against the Person entitled to proceed in his Room, as the Case may be, and in the latter Case to be levied of the Goods of the Testator or Intestate.

Power to compel Continuance or Abandonment of Action in case of Death of Parties.

XCIV. A Judg-

Effect of a Judgment in Ejectment.

XCIV. A Judgment in an Action of Ejectment under the Common Law Procedure Amendment Act (*Ireland*), 1853, shall have no greater Effect than a Judgment in an Ejectment before the passing of an Act made in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the Queen, Chapter Eighteen.

Claimant in a Second Ejectment for the same Premises against the same Defendant may be ordered to give Security for Costs.

XCV. If any Person shall bring an Action of Ejectment after a prior Action of Ejectment for the same Premises has been or shall have been unsuccessfully brought by such Person, or by any Person through or under whom he claims, against the same Defendant, or against any Person through or under whom he defends, the Court or a Judge may, on the Application of the Defendant, at any Time order that the Plaintiff shall give to the Defendant Security for the Payment of the Defendant's Costs, and that all further Proceedings in the Cause shall be stayed until such Security be given, whether the prior Action has been or shall have been disposed of by Discontinuance, or by Nonsuit, or by Judgment for the Defendant.

Courts may appoint Sittings.

XCVI. Section CCXXXIX. of "The Common Law Procedure Amendment Act (*Ireland*), 1853," is hereby repealed, and the Superior Courts may appoint and hold Sittings either in Banc, or for the Trial of Issues in Fact by Judge or Jury, and the Court of Error in the Exchequer Chamber may hold its Sittings, at any Time or Times, whether in Term or Vacation, not being between the First of *August* and the Twentieth of *October*.

Limitation of Costs in certain Cases.

XCVII. If in any Action of Contract brought after the Commencement of this Act in the Superior Courts (save for Breach of Promise of Marriage), when the Parties reside within the Jurisdiction of the Civil Bill Court of the County in which the Cause of Action has arisen, the Plaintiff shall recover, exclusive of Costs, a Sum less than Twenty Pounds, or in any Action for any Wrong or Injury disconnected with Contract (not being for Replevin, Slander, Libel, Malicious Prosecution, Seduction, or Criminal Conversation,) a Sum not exceeding Five Pounds, the Plaintiff in any such Action shall not be entitled to any Costs, unless at the Trial of such Cause the Judge shall certify on the Back of the Record, either that the Case was one which could not have been tried in the Civil Bill Court, or that, although within the Jurisdiction of the Civil Bill Court, it nevertheless was a fit Case to be tried in One of such Superior Courts, or (in case there shall be no Trial) unless the Court or a Judge shall on Motion make an Order to the like Effect; and in case there shall be no such Certificate or Order it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs.

XCVIII. The

XCVIII. The Enactments contained in Sections 14, 22, and 90 of this Act shall apply and extend to every Court of Civil Judicature in *Ireland*, and the Enactments contained in Sections 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, and 92 shall apply and extend to all Courts of Judicature, as well Criminal as all others, and to all Persons having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence.

Certain Sections of this Act to apply to every Civil Court in Ireland.

XCIX. In all Cases within Sections Ninety-eight and One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, it shall not be necessary to obtain any Direction of the Court or a Judge that the Amount for which final Judgment shall be marked shall be ascertained by the Master, but it shall be lawful for the Master without any such Direction to ascertain such Amount, and the Proceedings for that Purpose shall be in all respects as if a Direction to the Master by the Court or a Judge had in pursuance of the said Sections been made; and it shall be lawful for the Court or a Judge, in any Case in which the Venue shall be laid elsewhere than in the County or County of the City of *Dublin*, instead of a Writ of Inquiry to the Sheriff to ascertain the Amount of Damages, to direct that the Amount for which final Judgment shall be marked shall be ascertained by the Master, and thereupon such Proceedings shall be had as if the Case had been within Section One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, and a Direction to the Master under the said Section had been obtained, provided that the Jury shall be a Jury of the County of the City of *Dublin*, and shall be summoned accordingly.

Master may proceed under Sections 98. and 101. of 16 & 17 Vict. c. 113. without Order of Court.

Court may direct Master to hold Inquiries when Venue not in Dublin.

C. In case the Plaintiff in Replevin shall neglect to file the Summons and Plaint, or Copy thereof, within Ten Days after Service, unless the Time shall have been extended, or to proceed to Trial within One Term from that in which or the Vacation of which the Defence or other subsequent Proceeding is filed, the Defendant may proceed to enter such Rules as are in Sections Thirty-eight and One hundred and six of the Common Law Procedure Amendment Act (*Ireland*), 1853, in Cases of such Default respectively provided.

Provision in case Plaintiff in Replevin shall delay to file the Summons and Plaint and proceed to Trial.

CI. In all Actions for a Replevin of a Distress made for Rent, when the Amount of Rent in arrear at the Time of making such Distress shall have been ascertained as provided by Section Two hundred and thirty of the Common Law Procedure Amendment Act (*Ireland*), 1853, the Defendant shall have Judgment and Execution to recover against the Plaintiff the Arrears of Rent, whether the Value of the Goods and Chattels distrained shall amount to so much or not, anything in the said Act to the contrary notwithstanding.

Judgment in Replevin for Amount of Arrears.

CII. In

Master may draw for Money lodged as Security for Costs.

CII. In all Cases where Money shall have been lodged in Court in lieu of Security for Costs, and the Party lodging shall become entitled to be repaid the said Money or any Part thereof, such Party may, without any Rule or Order for that Purpose, apply to the Master of the Court to draw on the Bank of *Ireland* in favour of such Party or his Attorney upon Record for such Money or such Part thereof, and the said Master, on being satisfied by Affidavit or otherwise that the Party applying is so entitled to be repaid, shall thereupon draw accordingly.

Commencement of Act.

CIII. The Provisions of this Act shall come into operation on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-six.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of certain Terms.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in *Scotland;* the Word "Sheriff" shall include Sheriff Substitute; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Threepence *per* Night for each Person, whether the same be paid nightly or weekly, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

As to Local Authorities to execute this Act.

IV. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *Scotland:*

In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned, the Town Council, or in Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees, except as herein-after provided:

In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish.

Board of Supervision to determine the Local Authority in Parishes not wholly with-

V. Where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, or of one or other of them, the Board of Supervision shall, on the Application of either of these Bodies or of the Parochial Board, determine whether the Town Council or the Police Commissioners or Trustees,

Trustees, as the Case may be, or the Parochial Board, shall be the Local Authority within the Limits of such Parish; and where any Burgh or Town shall be situated in more than One County, the Board of Supervision shall, on Application being made to them by any Person having Interest, determine in which one of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final.

in the Jurisdiction of a Town Council, &c.

VI. The Local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority.

Committee may be appointed.

VII. The Local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit.

Local Authority to appoint Sanitary Inspectors.

PART I.

Removal of Nuisances.

VIII. The Word "Nuisances" under this Act shall include—

Description of Nuisances under this Act.

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation or Deposit within Fifty Yards of any Dwelling House within the Limits of any Burgh, or offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood.

IX. If

Power of Entry to Local Authority or their Officer.

IX. If the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such Local Authority or Inspector may demand to be admitted to inspect the same at any Hour between Nine in the Morning and Six in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority or Inspector; and if such Occupier or Person refuse to obey such Order he shall, on Conviction of such Offence, be liable to a Penalty not exceeding Five Pounds; and if no such Occupier or Person can be discovered, the Local Authority or their Officers may enter the Premises.

Proceedings by Local Authority when Nuisances are ascertained to exist.

X. In any Case where the Existence of a Nuisance is ascertained on Examination by the Local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, or to any resident Magistrate or Justice of the Peace, by summary Petition, in manner herein-after directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Head marked (e) in Section Eight such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XI. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance may be ordained to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate,

Magistrate, or Justice of the Peace is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require.

Interdict against future Nuisance.

XII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a), (b), (c), and (d), in Section Eight of this Act, to a Penalty of not more than Ten Shillings *per* Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such Infringement; and in the Case of Nuisances specified in Clause (e) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff or other Magistrate that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Penalty for Contravention of Decree and of Interdict.

XIII. When it shall appear to the Sheriff or other Magistrate that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out, under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he shall, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Order when structural Works are required.

XIV. In case of Noncompliance with or Infringement of any Decree aforesaid, the Local Authority may apply to the Sheriff or other Magistrate for Authority to enter the Premises to which such Decree relates,

Local Authority to do Works on Owner's or Occupier's

Default, or if Person causing Nuisance cannot be found.

relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed; and all Expenses incurred by the Local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

Manure, &c. to be sold.

XV. Any Thing removed by the Local Authority in pursuance of this Act may be sold by public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing, by whom the Balance of such Expenses shall be defrayed if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XVI. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any Public Road or Street shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such Local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

XVII. Nothing

XVII. Nothing in this Act contained shall enable any Local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Act not to affect Navigation of Rivers or Canals, or Irrigation of Lands.

XVIII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty on Sale of unwholesome Meat.

XIX. Any Person or Company engaged in the Manufacture of Gas, Naphtha, Vitriol, or Dye Stuffs, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty for causing Water to be corrupted by Gas Washings, &c.

XX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Such Penalties, &c. to be sued for within Six Months.

XXI. In addition to the said Penalty of Fifty Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Five Pounds (to be

Daily Penalty during the Continuance of the Offence.

be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Prevention of Diseases.

XXII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in *Scotland*, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

XXIII. When any such Order has been issued, the Board of Supervision in *Scotland* shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in *Scotland*, other than *Renfrew*, *Perth*, or *Ross*, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred Pounds *per Annum*, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a Medical Officer

Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding Two hundred Pounds *per Annum*, to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a Medical Officer and additional Clerks.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the *Edinburgh Gazette*, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct: Provided that the Board may, if that shall be judged necessary, direct any Inspector to apply to the Sheriff, who shall thereupon give such Orders as to him shall seem right, with a view to carry into effect such Directions and Regulations.

Board may issue Regulations to carry out such Provisions of Order.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Orders of Council, Directions and Regulations, of Board, to be laid before Parliament.

XXVI. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

Matters to be provided for by such Regulations.

And

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for Local Authority, &c. to enter Premises.

XXVII. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts and Arms of the Sea.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Medical Officer of Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain.

XXX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate

as

as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

In case Charge not paid, Medical Officer may bring an Action.

PART III.

Regulation of Common Lodging Houses.

XXXI. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character in such Form as the Local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

Common Lodging Houses to be registered.

XXXII. After the Expiration of One Month from the Date of the passing of this Act, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Evidence of Register.

XXXIV. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and

Power to Local Authority to make Rules and Regulations respecting Common Lodging Houses.

and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said Local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority; and the said Local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Rules, &c. not to take Effect until confirmed by Secretary of State.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.

XXXV. All Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of Twopence each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

XXXVI. Where

XXXVI. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the Local Authority served on such Keeper or Person, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Power to Local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments authorized by this Act, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within Five Years or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if Local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not, within Fourteen Days after such Notice, or, in the

the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the

the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills for Relief against the Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final.

No Appeal otherwise.

XLVII. No Appeal shall be competent, save in Cases so certified.

Justices being Members of Local Authority may act.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings under this Act not subject to Review.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever.

Service of Notices, Summonses, and Orders.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of Local Authority.

LI. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against

against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Act.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses due by Owners may be recovered from Occupiers, and deducted from Rent.

LV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

As to Expenses incurred in executing this Act.

LVI. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council or Police Commissioners shall resolve, where the Local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

LVII. The

As to Forms to be used.

LVII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor.

Police Constables to aid in executing Act.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Right of Action, &c.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same."

13 & 14 Vict. c. 33.

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Reconstruction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding Sixpence in the Pound *per Annum* of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

LXI. It

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Power to borrow Money for the Construction of Sewers.

LXII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Application of Money borrowed for constructing Sewers.

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to Five Pounds *per Centum per Annum* upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in *Scotland*, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional Assessment to be levied by them under Section Three hundred and forty of the said Act.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIV. The

Streets to be paved and flagged by Owners of Property abutting thereon.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within One Month after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Drains may be made to discharge below High-water Mark.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding Sixty Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such

such Caution shall not exceed Sixty Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed Ninety Days.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be exempted from or to be made liable only for a Portion of the Rate of Assessment leviable from other Property within such Burgh for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of Ten Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and what Proportion of the Rate of Assessment so leviable within such Burgh shall thereafter be assessed and levied on such agricultural Property so long as the same shall continue to be used for agricultural Purposes; but it shall be lawful to the Sheriff at any future Time, on a Petition presented to him by the Commissioners, to find that any Part of such Property has ceased to be used for such Purposes, and to direct that the same shall thereafter be liable in Assessment at the same Rate as other Premises in the Burgh.

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

Judgments, &c. under this Act not to be subject to Review.

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws concerning the Burial of the Dead in Scotland*, so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act: Provided always, that any Parish in which any School, Church, Chapel, or Preaching Station is maintained

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in Section 2., to comprehend several Parishes as One united Parish.

maintained by the Kirk Session, or the Kirk Session and Heritors, out of the Funds derived from such Burying Grounds, shall be excepted from the above Provision, unless sufficient Provision for permanently maintaining the same, to the Extent of the Funds so derived, shall be made by the Town Council to the Satisfaction of the Sheriff of the County within which such Parish is situated.

Power to rectify Errors committed by Sheriffs in defining Boundaries under 13 & 14 Vict. c. 33.

LXX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or Town or populous Place, under the Powers conferred by the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, it shall be lawful for any Heritor or Ratepayer having Interest to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said last-recited Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

SCHEDULE OF FORMS.

FORM (A.)

Order of Justice of Peace for Admission of Local Authority or their Officer to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the Local Authority*], [*or* the Officer of the said (*Local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Police Commissioners of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

WE [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (*describing him*) of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [Dwelling House, Yard, *&c.*, *as the Case may be*,] and Premises situate at No in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House *or* Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or* so out of Repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be*], cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of in the said County [*or* Burgh, *&c.*] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(*Date.*) *E.F.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

***

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That

Power to constitute new Districts under recited Acts.

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church within the District as the Parish Church of such District, and immediately upon the issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church, when consecrated, the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish.

District may be constituted without providing Endowment as required by Sect. 9 of 6 & 7 Vict. c. 37.

III. It shall be lawful to recommend the Constitution of such District without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent.

Section 22 of 6 & 7 Vict. c. 37. to apply to Ecclesiastical and Collegiate Corporations.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.

V. Every Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall have claimed and have had assigned to him Sittings

Sittings in the Church of such new Parish, shall thereby surrender, as to any Right that he may have possessed, an equal Number of Sittings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Sittings be held by Faculty or under an Act of Parliament

Pew Rents may be taken according to Scale, and applied towards Repair of Church and providing Endowment.

VI. It shall be lawful for the Commissioners, if it shall appear to them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church to or for which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds not otherwise appropriated by Law shall be applied towards the Repair and Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses: Provided always, that One Half Part at least of the whole Number of Pews or Sittings in such Church shall be Free Sittings, and that it shall be shown to the Satisfaction of the said Commissioners that the said Free Sittings will, with respect to Position and Convenience, be as advantageously situated as those for which a Rent may be fixed and reserved.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church, if the same shall not be appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scale, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Scale of Pew Rents may be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument

strument such as aforesaid which may be in force; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take effect until the next Avoidance of the Benefice, unless with his Consent in Writing.

Clerk and Sexton to be appointed by Incumbent.

IX. The Parish Clerk and Sexton of the Church of any Parish constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Freeholds of Titles of Churches and Burial Grounds to vest in Incumbents.

X. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, but in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church, and upon which any Church shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.

XI. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent of any Church or Chapel to which a District shall belong, with the Consent in Writing of the Bishop of the Diocese, make an Order, under their Common Seal, authorizing the Publication of Banns of Matrimony and the Solemnization therein of Marriages, Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm; and all the Fees payable for the Performance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of such District.

XII. In

XII. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, or of such Fees as are hereby made payable to the Incumbent of any District, shall have been reserved, or if such last-mentioned Order had not been made would of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Three Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed; and from and after the next Avoidance of such Incumbency, or the Relinquishment of such Fees by such Incumbent, and after the Situation of such Clerk shall have become vacant, or after a Compensation in lieu of Fees has been awarded to such Clerk by the Bishop of the Diocese, which he is hereby empowered to do, such Reservation shall altogether cease and determine; and all such Fees and Dues shall belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

XIII. The Provisions contained in the Nineteenth Section of the Sixth and Seventh *Victoria*, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

Provisions of 19th Section of 6 & 7 Vict. c. 37. extended.

XIV. Wheresoever or as soon as Banns of Matrimony and the Solemnization of Marriages, Churchings, and Baptisms according to the Laws and Canons in force in this Realm are authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, such District not being at the Time of the passing of this Act a separate and distinct Parish for Ecclesiastical Purposes, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such District or Place shall become and be a separate and distinct Parish for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, shall extend and apply to the said Parish and Church as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

Districts may become separate and distinct Parishes.

XV. The

Incumbents of new Parishes to have exclusive Cure of Souls therein.

XV. The Incumbent of every new Parish created or hereafter to be created pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall, saving the Rights of the Bishop of the Diocese, have sole and exclusive Cure of Souls and the exclusive Right of performing all Ecclesiastical Offices within the Limits of the same, for the resident Inhabitants therein, who shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish, and to no other Liabilities: Provided always, that nothing herein contained shall be taken to affect the legal Liabilities of any Parish regulated by a Local Act of Parliament, or the Security for any Loan of Money legally borrowed under any Act of Parliament or otherwise.

Provisions contained in Section 20 of 6 & 7 Vict. c. 37. extended.

XVI. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Incumbent nor Patron, or of any Benefice the Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of *Lancaster*, or in the Duke of *Cornwall*, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds *per Annum*, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds *per Annum*, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of *Victoria*, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years last preceding.

Patronage may be conferred upon Contributors to Endowment or their Nominees,

XVII. It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any less Consideration than the building a Church, as and for the Church of such Parish, District, or Benefice, and providing for the permanent Endowment of such Church a clear yearly Sum of at least Forty-five Pounds, or the permanently endowing the Church or Chapel of such Parish, District, or

or Benefice with a clear yearly Sum of One hundred and fifty Pounds: Provided always, that the Commissioners may, in lieu of such Sums, or as Part thereof, accept any Gift, Benefaction, or Property which they shall judge to be suitable in its Nature; but provided always, that such Gift, Benefaction, or Property shall, in the Judgment of the Commissioners, be equivalent to the said Sums in each Case respectively, or to the Part thereof in lieu of which it shall have been accepted.

upon certain Considerations.

XVIII. Such Assignment shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of *Lancaster* for the Time being, or of the Duke of *Cornwall*, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, with the Consent of the Patron thereof; and in the Case of a Benefice in the Patronage of an Incumbent of any other Benefice, with Consent of the Bishop of the Diocese, and also with Consent of the Patron of such other Benefice, if in private Patronage, and in the Case of any Parish or District having neither Incumbent nor Patron, with the Consent of the Bishop of the Diocese; and such Consent shall be testified in manner provided by the One hundred and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second *Victoria*, Chapter One hundred and six.

Assignment of Patronage to be made with certain Consents.

XIX. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly-recited Act.

Notices to be sent to Patrons.

XX. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Who to be deemed Patrons.

XXI. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is herein-before mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent

Patronage not to be sold.

Penalty of Lapse for so doing.

sequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until Thirty Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for that Turn lapse to the Bishop: Provided also, that when the Patronage of any Church or Chapel to which a District shall have been assigned is vested in the Incumbent of the original Parish, District, or Place out of which such District has been taken, the Person holding the Incumbency of such original Parish, District, or Place at the Time of the passing this Act shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same during his Incumbency without his Consent.

Patronage may be vested in certain Cases in Incumbent of original Parish.

XXII. Upon the Constitution of a new Parish under this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the then Incumbent of the original Parish out of which such new Parish shall have been taken for the Term of his Incumbency, and if such Parish shall have been formed out of more than One Parish, then to one or other of the then Incumbents of such Parishes for the Term of his Incumbency as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding.

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

XXIII. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, to the Satisfaction of the Commissioners, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain or any other Law or Statute whatsoever.

XXIV. Where

XXIV. Where the Commissioners shall make any Assignment of Patronage in Perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more Bodies or Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church of *England* and *Ireland;* and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of Two Years from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required; and every such Appointment, whether made in pursuance of the said Deed of Assignment or by the Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up.

Appointment of Trustees, &c

XXV. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such

Parishes may be divided, with certain Consents.

such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or in the Chancellor of the Duchy of *Lancaster* for the Time being, or of the Duke of *Cornwall*, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, or of a Benefice in private Patronage, with the Consent of the Patrons thereof respectively, with the Consent of the Bishop of the Diocese, such Consents to be testified as aforesaid: And provided also, that no such Provision shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXVI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, it shall be lawful, by the Authority aforesaid, and with the Consent of each of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything herein-before contained to the contrary notwithstanding.

As to providing Houses of

XXVII. For the Purpose of providing for the Incumbent of any Church or Chapel a convenient House of Residence, or for a Site thereof,

thereof, or for a Garden or Glebe thereto, it shall be lawful for any Body or Person who shall give, grant, or convey to the Ecclesiastical Commissioners for *England* any Messuage, Lands, Tenements, or Hereditaments, to give or grant the same, and for the said Commissioners to receive the same, subject to such Conditions and Stipulations, for the Purpose of more effectually securing the same to and for the Use of such Spiritual Person aforesaid and his Successors for ever, as may be agreed upon between the said Commissioners and the Body or Person so giving or conveying the same.

Residence for Spiritual Persons serving any Church or Chapel.

XXVIII. Whereas it is enacted by the Thirty-eighth Section of the Fifty-eighth *George* the Third, Chapter Forty-five, that a Sum for Compensation of Rights of Common shall be paid to the Churchwardens of the respective Parishes wherein such Commons or Waste Lands shall lie, and Doubts have arisen whether it is compulsory or permissive, on the Part of the Churchwardens, to receive the same: It is hereby declared, That it shall be compulsory for the Churchwardens to accept Payment of the said Compensation.

Churchwardens to be paid Compensation for Rights of Common.

XXIX. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of *Manchester* Division Act, 1850, or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein otherwise provided.

Nothing to affect Provisions of 13 & 14 Vict. c. 41., &c.

XXX. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for *England* by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and the said recited Acts and this Act shall be read and construed as one and the same Act.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXXI. It shall be lawful for the Commissioners, with the Consent of the Bishop of the Diocese and of the Patron and Incumbent of the Church of any Parish, to apportion any Sum arising from a permanent Endowment belonging to such Church, and applicable to the Repair and Maintenance thereof, to the Repair or Maintenance of any Church or Churches situated within the original Limits of

Commissioners may apportion Endowment.

of such Parish, anything contained in any Local Act to the contrary notwithstanding.

For Purposes of Burial, Parishes to be Ecclesiastical Districts.

XXXII. For the Purposes of the Acts concerning or regulating the Burial of the Dead, every Parish created under the said recited Acts or this Act shall be held to be an Ecclesiastical District within the Meaning of the said Acts.

Interpretation of certain Terms.

XXXIII. In the Construction of this Act:

The Expression "Parish, District, or Place," shall mean and include any ancient or distinct and separate Parish, District Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial:

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for *England:*

The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description:

The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments:

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person:

The Word "Bishop" shall include Archbishop:

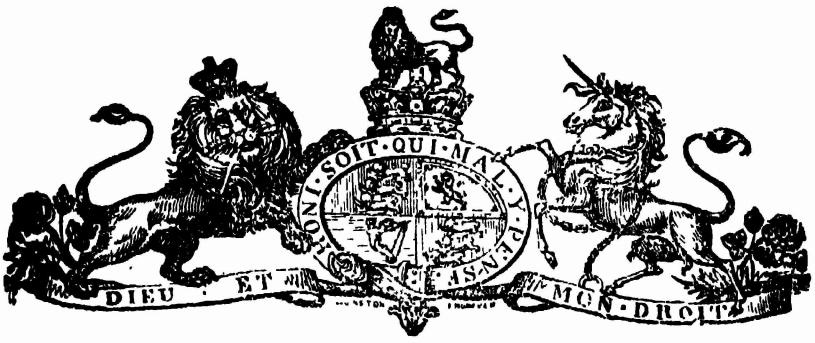
Extent of Act.

XXXIV. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and to the *Scilly Islands*.

Short Titles of Acts.

XXXV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

CAP. CV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-six, and to appropriate the Supplies granted in this Session of Parliament. [29th *July* 1856.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1856 the Sum of 24,548,773*l.* 0*s.* 7*d.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-six, the Sum of Twenty-four millions five hundred forty-eight thousand seven hundred and seventy-three Pounds and Sevenpence out of the Consolidated

solidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 24,548,773*l.* 0*s.* 7*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-four millions five hundred forty-eight thousand seven hundred and seventy-three Pounds and Sevenpence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 24,548,773*l.* 0*s.* 7*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-four millions five hundred forty-eight thousand seven hundred and seventy-three Pounds and Sevenpence, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter

Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding,

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Power to apply Monies raised by Acts c. 6. and c. 21. of present Session to Services voted by the Commons repealed.

VIII. So much of Two Acts passed in the present Session, Chapter Six, for raising the Sum of Five Millions by way of Annuities, and Chapter Twenty-one, for raising a further Sum of Five Millions by way of Annuities, as provides that the Commissioners of Her Majesty's Treasury shall be empowered to apply the Monies to be raised under the said Acts to such Services as shall have been or shall be voted by the Commons of the United Kingdom of Great Britain and Ireland, shall be and the same is hereby repealed.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which

may

may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Treasury may apply for the Service of the Year 1855 562,028*l.* 13*s.* Surplus of Ways and Means.

X. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-six, the Sum of Five hundred and sixty-two thousand and twenty-eight Pounds Thirteen Shillings, being the Surplus of Ways and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Appropriation of Ways and Means to Services hereafter expressed.

19 & 20 Vict. c. 4.

19 & 20 Vict. c. 7.

19 & 20 Vict. c. 9.

XI. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of One "million six hundred thirty-one thousand and five Pounds One Shil- "ling and Fivepence out of the Consolidated Fund to the Service of "the Year ending on the Thirty-first Day of March One thousand "eight hundred and fifty-six;" and also the Sum of Twenty-six Millions granted by one other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Twenty-six Millions out of "the Consolidated Fund to the Service of the Year One thousand "eight hundred and fifty-six;" and also the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds, granted by one other Act passed in this Session of Parliament, intituled "An Act for raising the Sum of Twenty-one million one hundred "and eighty-two thousand seven hundred Pounds by Exchequer "Bills, for the Service of the Year One thousand eight hundred "and fifty-six;" and also the respective Sums of Twenty-four millions five hundred forty-eight thousand seven hundred and seventy-three Pounds and Sevenpence and of Five hundred sixty-two thousand and twenty-eight Pounds Thirteen Shillings by this Act granted, amounting in the aggregate to the Sum of Fifty-two millions seven hundred forty-one thousand eight hundred and six Pounds Fifteen Shillings in Money, and Twenty-one million one hundred and eighty-two thousand seven hundred Pounds in Exchequer Bills, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 204,982*l.* 1*s.* 5*d.* for Excess of Naval Expenditure beyond the Grants for 1854–5.

XII. And whereas, in order to provide for the Exigencies of the Naval Service, it has been necessary to incur an Expenditure for Naval Services beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-five, amounting to Two hundred and four thousand nine hundred and eighty-two Pounds One Shilling and Fivepence: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued

issued and applied any Sum or Sums of Money, not exceeding Two hundred and four thousand nine hundred and eighty-two Pounds One Shilling and Fivepence, to defray the Excess of the Naval Expenditure beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-five.

XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixteen million five hundred sixty-eight thousand six hundred and fourteen Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Two million six hundred one thousand nine hundred and twenty-two Pounds, to defray the Charge of Wages to Seventy-six thousand Seamen and Marines, which will come in course of Payment during the Three Months ending on the Thirtieth Day of June One thousand eight hundred and fifty-six, and also the Charge of Wages to Fifty-six thousand Seamen and Marines, which will come in course of Payment during the Nine Months from the Thirtieth Day of June One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One million one hundred sixty-seven thousand three hundred and thirty-eight Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred thirty-eight thousand three hundred and ninety-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charges for the Royal Naval Coast Volunteers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fifty-eight thousand nine hundred and eighty-two Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several Scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred fifty-three thousand seven hundred and ninety-five Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding

There shall be issued 16,568,614*l.* for Navy Services; viz.:

2,885,567*l.* for Wages to 76,000 and 56,000 Seamen and Marines;

1,167,338*l.* for Victuals, &c. in the Navy;

138,399*l.* for Salaries, &c. of the Admiralty Office;

20,000*l.* for the Royal Naval Coast Volunteers;

58,982*l.* for the Navy Scientific Departments;

153,795*l.* for Naval Establishments at home;

36,494*l.* for Naval Establishments abroad;

ing Thirty-six thousand four hundred and ninety-four Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One million one hundred ninety thousand three hundred and nine Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred and nine thousand nine hundred and thirteen Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three million five hundred Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eight hundred sixty-four thousand three hundred and thirty-four Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixty-five thousand five hundred Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eighty-eight thousand nine hundred and seventy-two Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six hundred fifty-five thousand four hundred and twenty-one Pounds, to defray the Charge of Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four hundred ninety-four thousand three hundred and sixty-three Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-

1,190,309*l.* for Wages of Artificers, &c. at home;

109,913*l.* for Wages of Artificers, &c. abroad;

3,000,500*l.* for Naval Stores, &c.;

864,334*l.* for new Works in Naval Establishments;

65,500*l.* for Medicines, &c.;

88,972*l.* for Naval Miscellaneous Services;

665,421*l.* for Naval Half Pay, &c.;

494,363*l.* for Military Pensions;

fifty-seven; and any Sum or Sums of Money not exceeding One hundred forty-seven thousand six hundred and eighty-five Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four million nine hundred seventy-seven thousand and two hundred Pounds, to defray the Salaries and contingent Expenses of the Transport Service, for the Freight of Ships, for the Victualling and Conveyance of Troops on account of the Army and Ordnance Departments, and for Expenses arising from Prisoners of War, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seven hundred fifty-six thousand four hundred and eighty-seven Pounds, to provide for the estimated Charge of the Packet Service for the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Forty thousand Pounds for the Purchase, in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven, of Ground, for the Purpose of extending Her Majesty's Dockyard at Deptford, and for the Erection of a Fence Wall, &c.; and any Sum or Sums of Money not exceeding One thousand Pounds, for the Payment, in the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-seven, of Rewards to the Officers and Crew of Her Majesty's Ship Prometheus, for Services against Riff Pirates.

147,685*l.* for Civil Pensions;

4,977,200*l.* for Transport Service, Freight of Ships, &c., for Army and Ordnance Services, and for Expenses of Prisoners of War;

756,487*l.* for Packet Service;

40,000*l.* for the Purchase of Ground at Deptford, &c.

1,000*l.* for Rewards to Officers, &c. of Her Majesty's Ship "Prometheus."

XIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight million seven hundred eighty-nine thousand and ninety-nine Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Four hundred fifty thousand and ten Pounds, for defraying the Charge of the Wages of Artificers, Labourers, and others employed at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Four million and ten Pounds, for defraying the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-

There shall be issued 8,789,099*l.* for Army Services, viz.:

450,010*l.* for Wages of Artificers, &c.

4,000,010*l.* for Clothing, Barrack Furniture, &c.;

fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Two million five hundred thousand and ten Pounds, for defraying the Charge of Stores for Land and Sea Service, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One million eight hundred thirty-nine thousand and sixty-nine Pounds, for defraying the Charge of Works, Buildings, and Repairs at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Eleven million six hundred eighty-eight thousand nine hundred and thirty-five Pounds, for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Seven million and ten Pounds, for defraying the Charge of Her Majesty's Land Forces in the United Kingdom of Great Britain and Ireland and at Foreign Stations (excepting India), which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One million and ten Pounds, for defraying the Charge of the Embodied Militia of Great Britain and Ireland, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Eighty-eight thousand Pounds, for defraying the Charge of Volunteer Corps in Great Britain, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Two hundred fifty thousand and ten Pounds, for defraying the Charge of the Army Works Corps, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-nine thousand and twenty-six Pounds, for defraying the Charge of the Salaries and Contingencies of the War Department, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Twenty-two thousand seven hundred and ninety-one Pounds, for defraying the Charge of the Head Quarters Military Departments, which will come

2,500,010*l.* for Stores for Land and Sea Service;

1,839,069*l.* for Works, Buildings, &c;

11,688,935*l.* for other Army Services, viz.:

7,000,010*l.* for Forces in U.K. and Stations abroad (except East Indies);

1,000,010*l.* for Embodied Militia;

88,000*l.* for Volunteer Corps;

250,010*l.* for Army Works Corps;

169,026*l.* for Salaries, &c. of War Department;

22,791*l.* for Head Quarters Military Departments.

come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Four hundred fifty thousand and ten Pounds, for defraying the Charge of the Civil Establishments at home and abroad, Salaries, Allowances, and Contingencies, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Two hundred thirty-eight thousand four hundred and four Pounds, for defraying the Charge of the Educational and Scientific Branches, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Twenty-five thousand four hundred Pounds, for defraying the Charge of Rewards for distinguished Services, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Sixty-seven thousand Pounds, for defraying the Charge of the Pay of General Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Five hundred nineteen thousand and ninety-four Pounds, for defraying the Charge of the Pay of Reduced and Retired Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Two hundred twenty thousand four hundred and twenty Pounds, for defraying the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Eighty-three thousand five hundred and fifty-eight Pounds, for defraying the Charge of Pensions, Gratuities, &c. to Wounded Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Thirty-two thousand and ninety-six Pounds, for defraying the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment from the First Day of April One

450,010*l.* for Civil Establishments, &c.;

238,404*l.* for Educational and Scientific Branches;

25,400*l.* for Rewards for distinguished Services, &c.;

67,000*l.* for Pay of General Officers;

519,091*l.* for Reduced and Retired Officers;

220,420*l.* for Pensions to Widows, and Compassionate List, &c;

83,558*l.* for Pensions, Gratuities, &c to wounded Officers;

32,096*l.* for In-Pensioners of Chelsea and Kilmainham Hospitals;

1,168,392*l.* for Out-Pensioners of Chelsea Hospital, &c.;

One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One million one hundred sixty-eight thousand three hundred and ninety-two Pounds, for defraying the Charge of Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-four thousand two hundred and sixty-four Pounds, for defraying the Charge of Superannuation and Retired Allowances, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, for defraying the Charge of the gratuitous Education of Twenty Queen's Cadets, the Sons of Officers who have died on Service and have left their Families in reduced Circumstances, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-six to the Thirty-first Day of March One thousand eight hundred and fifty-seven inclusive; and any Sum or Sums of Money not exceeding Two hundred twenty-eight thousand nine hundred and fifty Pounds to defray the Charge of the Disembodied Militia of Great Britain and Ireland, which will come in course of Payment to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

124,264*l.* for Superannuation and Retired Allowances;

1,500*l.* for Education of Twenty Queen's Cadets, Sons of Officers who have died in Service;

228,950*l.* for Disembodied Militia.

There shall be issued 2,000,000*l.* for Excess of Military and Naval Expenditure beyond the Grants for 1855-6 and 1856-7.

XV. And whereas, in order to provide for the Exigencies of the Military and Naval Services occasioned by the late War, it has been necessary to incur an Expenditure, and it may be necessary to incur a further Expenditure, for Military and Naval Services, beyond the Grants for the Years One thousand eight hundred and fifty-five—six and One thousand eight hundred and fifty-six—seven: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two Millions towards defraying the Expenses beyond the ordinary Grants for the Years One thousand eight hundred and fifty-five—six and One thousand eight hundred and fifty-six—seven, for Military and Naval Services occasioned by the late War.

There shall be issued 1,346,023*l.* for Excess of Ordnance Expenditure beyond the Grants for 1855-6;

XVI. And whereas, in order to provide for the Exigencies of the Ordnance Services, it has been necessary to incur an Expenditure for Ordnance Services beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six, amounting to One million three hundred forty-six thousand and twenty-three Pounds: Be it enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and

and applied any Sum or Sums of Money not exceeding Two hundred ninety-four thousand one hundred and fifty-four Pounds, to defray the Charges for Barrack Supplies, which will come in course of Payment during the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six; and any Sum or Sums of Money not exceeding Sixty-two thousand three hundred and sixteen Pounds, to defray the Charge for Wages, which will come in course of Payment during the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six; and any Sum or Sums of Money not exceeding Nine hundred eighty-seven thousand one hundred and eighty-five Pounds, to defray the Charge for Stores, which will come in course of Payment during the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six; and any Sum or Sums of Money not exceeding Two thousand three hundred and sixty-eight Pounds, to defray the Charges for Scientific Branch, which will come in course of Payment during the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six.

294,154*l.* for Barrack Supplies;

62,316*l.* for Wages, &c.;

987,185*l.* for Stores;

2,368*l.* for Scientific Branch;

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-one million one hundred eighty-two thousand seven hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and fifty-six unprovided for.

There shall be issued 21,182,700*l.* to pay off Exchequer Bills of 1855;

XVIII. And whereas it has been found necessary to incur an Expenditure in the Mint Department for the various Medal Services beyond the Grant for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-six, amounting to Eighty thousand Pounds: Be it enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty thousand Pounds, to make good, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Deficiency of the Vote for the Year One thousand eight hundred and fifty-five—six, for defraying the Expenditure of the Mint for the various Medal Services.

There shall be issued 80,000*l.* for Excess of Expenditure in the Mint Department.

XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

There shall be issued 100,000*l.* for Civil Contingencies.

REVENUE DEPARTMENTS.

XX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding

There shall be issued 840,001*l.* for Customs Department;

ceeding Eight hundred forty thousand and one Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four hundred eighty-six thousand and twenty-eight Pounds, to defray the Salaries and Expenses of the Coast Guard, including Revenue Cruisers, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One million four hundred fifty-nine thousand two hundred and seven Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixty-three thousand and twenty-five Pounds, to defray the Salaries and Expenses of the Revenue Police, Ireland, and "Seamew" Steamer, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One million seven hundred forty thousand four hundred and eighty-three Pounds, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven.

486,028*l.* for the Coast Guard, &c.;

1,459,207*l.* for Inland Revenue Department;

63,025*l.* for Revenue Police, Ireland, and "Seamew" Steamer;

1,740,483*l.* for Post Office, &c.;

Civil Services. *Class* 1.

There shall be issued 194,575*l.* for Repair of Royal Palaces, &c.;

7,868*l.* for additional Works, Gaslighting, &c., at Buckingham Palace;

89,114*l.* for Repair of Royal Parks, &c.;

99,383*l.* for New Houses of Parliament;

Civil Services.—*Class* 1.

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred ninety-four thousand five hundred and seventy-five Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of Maintenance and Repairs of Royal Palaces and Public Buildings; and any Sum or Sums of Money not exceeding Seven thousand eight hundred and sixty-eight Pounds, for additional Works, Gaslighting, Warming, and other Contingencies at Buckingham Palace, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eighty-nine thousand one hundred and fourteen Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith; and any Sum or Sums of Money not exceeding Ninety-nine thousand three hundred and eighty-three Pounds, for Works and Expenses at the New Houses of Parliament, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of

of Money not exceeding Two hundred and seven thousand three hundred and five Pounds, on account of the Works at the New Packet Harbour and Harbour of Refuge at Holyhead, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two hundred and thirty-three thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three hundred and eighty-four Pounds, to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Forty-one thousand and twenty-one Pounds, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nineteen thousand three hundred and fifty Pounds, to defray the Expense of the Works and Establishment of Kingstown Harbour, to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

207,305*l.* for Holyhead Harbour;

233,000*l.* for Harbours of Refuge;

384*l.* for Port Patrick Harbour;

41,021*l.* for Public Buildings in Department of Public Works in Ireland;

19,350*l.* for Kingstown Harbour.

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

XXII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-three thousand six hundred and eighty Pounds, to pay the Salaries and Expenses of the Two Houses of Parliament, and Allowances to the Retired Officers of the Two Houses, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fifty-two thousand and ninety-five Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and four Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixty-eight thousand two hundred and forty-one Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers, and Extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-eight thousand four hundred and fifty-two Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of March One thousand

There shall be issued 83,680*l.* for Salaries, &c. of Houses of Parliament;

52,095*l.* for the Treasury;

24,204*l.* for the Home Department;

68,241*l.* for the Foreign Department;

28,452*l.* for Department of Colonies;

61,067*l.* for the Privy Council, Board of Trade, &c.; thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixty-one thousand and sixty-seven Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council, and Committee of Privy Council for Trade, including the Railway and Marine Departments, and the Registrar of Merchant Seamen, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

2,700*l.* for Lord Privy Seal; and any Sum or Sums of Money not exceeding Two thousand seven hundred Pounds, to pay the Salary of the Lord Privy Seal and the Expenses of his Establishment, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

24,594*l.* for Office of Paymaster General; and any Sum or Sums of Money not exceeding Twenty-four thousand five hundred and ninety-four Pounds, to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

6,483*l.* for Department of Comp. Gen. of Exchequer; and any Sum or Sums of Money not exceeding Six thousand four hundred and eighty-three Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

23,313*l.* for Office of Commissioners of Works and Public Buildings; and any Sum or Sums of Money not exceeding Twenty-three thousand three hundred and thirteen Pounds, to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

21,664*l.* for Office of Woods, Forests, &c.; and any Sum or Sums of Money not exceeding Twenty-one thousand six hundred and sixty-four Pounds, to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

16,447*l.* for Public Records and State Paper Office; and any Sum or Sums of Money not exceeding Sixteen thousand four hundred and forty-seven Pounds, to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

208,993*l.* for Administration of Poor Laws; and any Sum or Sums of Money not exceeding Two hundred and eight thousand nine hundred and ninety-three Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

48,829*l.* for the Mint; and any Sum or Sums of Money not exceeding Forty-eight thousand eight hundred and twenty-nine Pounds, to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

23,145*l.* for Salaries, &c. of Inspectors of Factories, &c.; and any Sum or Sums of Money not exceeding Twenty-three thousand one hundred and forty-five Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

5,964*l.* for Civil Charges, &c., Scotland; and any Sum or Sums of Money not exceeding Five thousand nine hundred and sixty-four Pounds, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in

in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and sixty-four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand nine hundred and twenty-four Pounds, to defray the Charge of the Department of the Paymaster of Civil Services in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand five hundred and fifty-five Pounds, to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-two thousand five hundred and sixteen Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and ten Pounds, to defray the Expense of the Copyhold, Inclosure, and Tithe Commission, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and ten Pounds, to pay the Imprest Expenses under the Inclosure and Drainage Acts of the Copyhold, Inclosure, and Tithe Commission, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty-eight thousand two hundred and thirty-four Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, England and Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand three hundred and eighty-eight Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand six hundred and sixty-five Pounds, to pay the Salaries and Expenses in the Department of the Registrar General of Births, &c., Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirteen thousand eight hundred and eighty Pounds, to pay the

6,431*l.* for Officers, &c. of Lord Lieutenant of Ireland;

15,164*l.* for Chief Secretary, &c., Ireland;

6,924*l.* for Paymaster of Civil Services, Ireland;

2,555*l.* for Inspectors of Lunatic Asylums;

22,516*l.* for Board of Public Works, Ireland;

17,710*l.* for Copyhold, &c. Commission;

11,710*l.* for Imprest Expenses of Copyhold, &c. Commission;

38,234*l.* for General Register Office, England and Wales;

3,388*l.* for General Register Office, Dublin;

6,665*l.* for Department of Registrar General of Births, &c. Edinburgh;

13,880*l.* for National Debt Office;

the Salaries and Expenses in the National Debt Office, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand eight hundred and forty Pounds, to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand five hundred and seventy Pounds, to defray the Expenses of the Establishment under the West India Islands Relief Commissioners, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand three hundred and ten Pounds, to pay the contingent Expenses of the Office of the Commissioners in Lunacy, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nine hundred and eighty-four Pounds, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand four hundred and five Pounds, to pay the Salaries and Expenses in the Department of the Registrar of Friendly Societies in England, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four hundred fifty-eight thousand two hundred and seventy-five Pounds, to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred forty thousand four hundred and ten Pounds, to defray the Charge for Postage of Letters on the Public Service in the several Departments, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty thousand three hundred and sixty-one Pounds, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts, to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

2,840*l.* for Public Works Loan Commission;

1,570*l.* for West India Islands Relief Commission;

1,310*l.* for Lunacy Commission;

984*l.* for General Superintendent of County Roads in South Wales;

1,405*l.* for Department of Friendly Societies in England;

32,000*l.* for Foreign and Secret Services;

458,275*l.* for Stationery, &c for Public Departments.

140,410*l.* for Postage of Letters on the Public Service;

30,361*l.* for Department of Commissioners for auditing Public Accounts.

CIVIL SERVICES. *Class* 3.

There shall be issued 36,041*l.* for Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.

CIVIL SERVICES.—*Class* 3.

XXIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-six thousand and forty-one Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in

in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, also the Salary and Allowance of Counsel for advising the Treasury on Matters relating to the Slave Trade, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two hundred and fifty thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expenses of Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates; and any Sum or Sums of Money not exceeding One thousand one hundred Pounds, towards defraying the Expenses of the Crown Office, Chancery, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand and fifty Pounds, towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixteen thousand three hundred and forty Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expenses incurred by Sheriffs, and the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer; and any Sum or Sums of Money not exceeding Six thousand four hundred and eighteen Pounds, to defray the Salaries and Expenses in the Department of the Registrar of the Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eight thousand two hundred and fifteen Pounds, to defray the Salaries and Expenses of the Commissioners of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirteen thousand eight hundred and fifty Pounds, to defray the Salaries of the Treasurers of County Courts, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-nine thousand three hundred and forty-eight Pounds, to defray the Expenses of the Police Courts of the Metropolis, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred and two thousand three hundred and six Pounds, towards defraying the Expenses of the Metropolitan Police, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand six hundred and fifteen Pounds, to defray the Salaries and Expenses of the Queen's Prison, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Charge for the Salaries of the Lord Advocate and of the Solicitor General, Scotland, to the Thirty-first Day of March One thousand eight

250,000*l.* for Prosecutions at Assizes and Quarter Sessions;

1,100*l.* for Crown Office, Chancery;

2,050*l.* for Crown Office, Queen's Bench;

16,340*l.* for Expenses incurred by Sheriffs and Deficiency of Fees in the Exchequer;

6,418*l.* for Department of Registrar of the Admiralty;

8,215*l.* for Insolvent Debtors Court;

13,850*l.* for Treasurers of County Courts;

29,348*l.* for Police Courts of the Metropolis;

102,306*l.* for Metropolitan Police;

3,615*l.* for Queen's Prison;

3,342*l.* for Lord Advocate and Solicitor General, Scotland;

17,551*l.* for Salaries, Court of Session, Scotland;

eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventeen thousand five hundred and fifty-one Pounds, to defray the Salaries and Expenses of the Court of Session in Scotland, to the Thirty-first Day of March One thousand eight hundred and

9,568*l.* for Court of Justiciary, Scotland;

fifty-seven; and any Sum or Sums of Money not exceeding Nine thousand five hundred and sixty-eight Pounds, to defray the Salaries and Expenses of the Court of Justiciary in Scotland, to the Thirty-

6,400*l.* for Criminal Prosecutions by Lord Advocate;

first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand four hundred Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate, to the Thirty-first Day of

1,415*l.* for certain Officers in the Exchequer in Scotland;

March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand four hundred and fifteen Pounds, to defray the Salaries and Expenses in the Legal Branch of the Office of Queen's and Lord Treasurer's Remembrancer in Exchequer in Scotland, to the Thirty-first Day of March One thousand

57,000*l.* for Criminal Prosecutions, &c. in Scotland;

eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fifty-seven thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Charge of Sheriffs and Stewards, including Procurators Fiscal, not paid by Salaries, and the Expenses of Criminal Prosecutions in Sheriff Courts

12,167*l.* for Procurators Fiscal in Scotland;

in Scotland; and any Sum or Sums of Money not exceeding Twelve thousand one hundred and sixty-seven Pounds, to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees, to the Thirty-first Day of March One thousand eight hundred

12,594*l.* for Sheriffs Clerks, Scotland;

and fifty-seven; and any Sum or Sums of Money not exceeding Twelve thousand five hundred and ninety-four Pounds, to defray the Salaries of such of the Sheriffs Clerks, Scotland, as are not chargeable on the Revenues of Customs and Excise, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

2,300*l.* for Salaries of Law Officers in Scotland;

and any Sum or Sums of Money not exceeding Two thousand three hundred Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Salary of the Solicitor of the Crown, and Expenses in Matters of Tithes, and the Expenses of the Agent of the Great Officers of State in maintaining

12,249*l.* for General Register House, Edinburgh;

Rights of the Crown in Civil Actions, &c. in Scotland; and any Sum or Sums of Money not exceeding Twelve thousand two hundred and forty-nine Pounds, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and

1,124*l.* for Department of Commissary Clerk, Edinburgh;

fifty-seven; and any Sum or Sums of Money not exceeding One thousand one hundred and twenty-four Pounds, to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and

51,720*l.* for Criminal Prosecutions, Ireland;

fifty-seven; and any Sum or Sums of Money not exceeding Fifty-one thousand seven hundred and twenty Pounds, to defray the Expense of Criminal

Criminal Prosecutions and other Law Charges in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand two hundred and ninety-four Pounds, to defray the Salaries of certain Officers of the Court of Chancery in Ireland formerly charged on the Consolidated Fund, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand three hundred and thirty-eight Pounds, to defray the Salary of the Crier and the incidental Expenses of the Court of Queen's Bench in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand four hundred and twenty-one Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Common Pleas in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand five hundred and eighty Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Exchequer in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Salary of the Clerk to the Taxing Officers for the Three Law Courts, Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Five thousand two hundred and thirty-two Pounds, to defray the Salaries of the Registrars to the Judges in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand seven hundred and sixty-six Pounds, to defray certain Salaries and the incidental Expenses in the Office for the Registration of Judgments in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Fees to Advocates appointed to act as Commissioners of the High Court of Delegates in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand and sixty-six Pounds, to defray the Salaries and Expenses of the Insolvent Debtors Court in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two hundred and sixty-seven Pounds, to defray the Salary of the Clerk to the Court of Errors in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to defray the Salaries of the Police Justices of Dublin Metropolis, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, towards defraying the Expense of

1,294*l.* for Court of Chancery, Ireland;

1,338*l.* for Court of Queen's Bench, Ireland;

1,421*l.* for Court of Common Pleas, Ireland;

1,580*l.* for Court of Exchequer, Ireland;

200*l.* for Clerk to Taxing Officers for Law Courts, Ireland;

5,232*l.* for Registrars to Judges, Ireland;

1,766*l.* for Office for Registration of Judgments in Ireland;

300*l.* for Fees to Advocates, Court of Delegates, Ireland;

3,066*l.* for Salaries, &c. of Insolvent Debtors Court, Ireland;

267*l.* for Salary of Clerk to Court of Errors, Ireland;

1,600*l.* for Salaries of Police Justices, Dublin;

35,000*l.* for Metropolitan Police, Dublin;

of the Divisional Police Courts and the Metropolitan Police, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six hundred thirty-nine thousand one hundred Pounds, to defray the Expense of the Constabulary Force in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand eight hundred and thirty-two Pounds, to defray the Expenses of the Four Courts, Marshalsea, Prison, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixteen thousand seven hundred and eighty-three Pounds, to defray the Charge of Inspection and General Superintendence over all the Prisons in the United Kingdom, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four hundred fifteen thousand nine hundred and six Pounds, to defray the Charge of Government Prisons and Convict Establishments at home, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One hundred sixty-one thousand five hundred and ninety-five Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-five thousand four hundred and eighty-five Pounds, to defray Expenses connected with the Transportation of Convicts, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two hundred eighty-six thousand six hundred and five Pounds, to defray the Expense of the Convict Establishments in the Colonies, to the Thirty-first day of March One thousand eight hundred and fifty-seven.

639,100*l.* for Constabulary Force, Ireland;

1,832*l.* for Four Courts, Marshalsea, Dublin;

16,783*l.* for General Superintendence of Prisons, &c.;

415,906*l.* for Government Prisons and Convict Establishments at home;

161,595*l.* for Maintenance of Prisoners and Removal of Convicts;

25,485*l.* for Transportation of Convicts;

286,605*l.* for Convict Establishments in the Colonies.

Civil Services. *Class* 4.

There shall be issued 451,213*l.* for Public Education in Great Britain;

64,675*l.* for Department of Science and Art, and Geological Surveys of the United Kingdom;

Civil Services.—*Class* 4.

XXIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four hundred fifty-one thousand two hundred and thirteen Pounds, for Public Education in Great Britain, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixty-four thousand six hundred and seventy-five Pounds, to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven;

seven; and any Sum or Sums of Money not exceeding Two hundred twenty-seven thousand six hundred and forty-one Pounds, for Public Education in Ireland, under the Charge of the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six hundred and five Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand eight hundred and seventy-nine Pounds, towards defraying the Expenses of the University of London, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seven thousand five hundred and ten Pounds, to pay Grants to Scottish Universities formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand four hundred and fifteen Pounds, to defray the Expenses of the Queen's University in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Five hundred and thirty-three Pounds, towards defraying the Expense of the Royal Irish Academy, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal Hibernian Academy, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand nine hundred and seventy-five Pounds, to pay the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-five thousand six hundred and forty-three Pounds, to defray the Expense of new Buildings and Fittings at the British Museum, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventeen thousand six hundred and thirty-nine Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four thousand six hundred and nine Pounds, to defray the Expenses of Magnetic Observations abroad, including the Superintendent's

227,641*l.* for Education, Ireland;

605*l.* for Salary of Secretary to Commissioners of Education, Ireland;

3,879*l.* for London University;

7,510*l.* for Grants to Scottish Universities;

2,415*l.* for Queen's University, Ireland;

4,800*l.* for Expenses, Queen's Colleges, Ireland;

533*l.* for Royal Irish Academy;

300*l.* for Royal Hibernian Academy;

2,975*l.* for Royal Belfast Academical Institution, &c.;

25,643*l.* for new Buildings, &c., at British Museum;

17,639*l.* for National Gallery;

4,609*l.* for Magnetic Observatories, &c.;

tendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand Pounds, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, to enable the Royal Society to carry on certain Experiments for public Objects; and any Sum or Sums of Money not exceeding Sixty thousand Pounds, to defray the Salaries and Expenses of the British Museum Establishment, to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

500*l.* for Royal Geographical Society;

2,000*l.* for Royal Society;

60,000*l.* for Salaries and Expenses of British Museum.

CIVIL SERVICES. *Class* 5.

There shall be issued 4,050*l.* for Civil Establishment of the Bermudas;

7,397*l.* for Ecclesiastical Establishment, British N.A. Provinces;

4,713*l.* for Indian Department in Canada,

24,728*l.* for Salaries of Governors, &c. of West India Colonies, &c.;

24,300*l.* for Salaries, &c. of Stipendiary Justices in W.I Colonies and the Mauritius;

10,230*l.* for Civil Establishments on the Western Coast of Africa;

10,856*l.* for St. Helena;

CIVIL SERVICES.—*Class* 5.

XXV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand and fifty Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seven thousand three hundred and ninety-seven Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four thousand seven hundred and thirteen Pounds, to defray the Charge of the Indian Department in Canada, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-four thousand three hundred Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Ten thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Ten thousand eight hundred and fifty-six Pounds, to defray Charges connected with the Island of Saint Helena, to the Thirty-first Day of March One thousand

sand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, towards defraying the Charge of Heligoland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand nine hundred and one Pounds, towards defraying the Charge of the Falkland Islands, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fourteen thousand five hundred and eighty-two Pounds, to defray the Charge of the Emigration Board, and of the Emigration Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, Expenses incurred for the Support of captured Negroes and liberated Africans, and other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding Eleven thousand and fifty Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand four hundred and ninety-eight Pounds, to defray the Expense of the Consular Establishments abroad, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds for the Extraordinary Disbursements of Her Majesty's Embassies and Missions abroad, to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

960*l.* for Heligoland;

2,901*l.* for Falkland Islands;

14,582*l.* for Emigration Board, &c.;

12,000*l.* for Support of captured Negroes, &c.;

11,050*l.* for Commissioners for suppressing the Slave Trade;

167,498*l.* for the Consular Establishments abroad;

25,000*l.* for Missions abroad.

CIVIL SERVICES.—*Class* 6.

CIVIL SERVICES, *Class* 6.

XXVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred forty-six thousand five hundred and thirty-seven Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand two hundred and seventy Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expense

There shall be issued 146,537*l.* for Superannuations, &c. to Public Officers;

2,270*l.* for Toulonese and Corsican Emigrants, &c.;

2,000*l.* for National Vaccine Institution;

Expense of the National Vaccine Establishment, in the Year One thousand eight hundred and fifty-six; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute," in the Year One thousand eight hundred and fifty-six; and any Sum or Sums of Money not exceeding Four thousand Pounds, for Payment of the Subsistence of the Polish Refugees, and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Four thousand three hundred and seventy-one Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Two thousand nine hundred and eighty-five Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, to the Treasurers of Public Infirmaries in Ireland, the Allowances granted under certain Acts of Parliament; and any Sum or Sums of Money not exceeding One thousand two hundred and ninety-five Pounds, to defray the Expense of the Foundling Hospital Department of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and ninety Pounds, towards defraying the Expense of the House of Industry, &c., Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Female Orphan House, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand two hundred and fifteen Pounds, to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seven hundred and ninety-five Pounds, towards defraying the Expense of Doctor Steevens' Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand nine hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six hundred Pounds, towards defraying the Expense of the Meath Hospital and County of Dublin Infirmary, to the Thirty-first Day of March One thousand

325*l.* for Refuge for Destitute;

4,000*l.* for Polish Refugees, &c.;

4,371*l.* to pay Miscellaneous Allowances;

2,985*l.* for Treasurers of Public Infirmaries, Ireland;

1,295*l.* for Foundling Hospital Department, House of Industry, Dublin;

11,790*l.* for House of Industry, Dublin;

500*l.* for Female Orphan House, Dublin;

1,215*l.* for Westmoreland Lock Hospital, Dublin;

500*l.* for Lying-in Hospital, Dublin;

795*l.* for Dr. Steevens' Hospital, Dublin;

1,900*l.* for House of Recovery, &c., Dublin;

600*l.* for Meath Hospital and County of Dublin Infirmary;

thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty-nine thousand and fifty-four Pounds, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand and sixty-two Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.

39,054*l.* for Protestant Dissenting Ministers, Ireland;

6,062*l.* for Charitable Allowances, &c., Ireland.

CIVIL SERVICES.—*Class 7.*

CIVIL SERVICES. *Class 7.*

XXVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighteen thousand six hundred and twenty-six Pounds, to defray the Expense of the General Board of Health, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand four hundred and sixty-one Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Sixteen thousand and twenty-two Pounds, to defray the Charge of the Salaries and Expenses of the Charity Commission for England and Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand nine hundred and eleven Pounds, to defray the Charge of the Salaries and Expenses of the Statute Law Commission, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand nine hundred Pounds, to defray the Charge of the Salaries and Expenses of the Civil Service Commissioners, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eight thousand one hundred and fifty-two Pounds, to defray the Charge of the Salaries and Expenses of sundry temporary Commissions, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-one thousand eight hundred and forty-two Pounds, to defray the Fees, Salaries, and Compensations payable under the Provisions of the Patent Law Amendment Act, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirteen thousand five hundred Pounds, to pay the Salaries and Expenses of the Board of Fisheries in Scotland, to the Thirty-first Day

There shall be issued 18,626*l.* for General Board of Health;

3,461*l.* for Ecclesiastical Commissioners, England;

16,022*l.* for Charity Commission for England and Wales;

1,911*l.* for Statute Law Commission;

6,900*l.* for Civil Service Commission;

8,152*l.* for sundry temporary Commissions;

21,842*l.* for Compensations, &c. payable under the Patent Law Amendment Act;

13,500*l.* for Board of Fisheries, Scotland;

2,000*l.* for Annuity to Board of Manufactures, Scotland;

5,000*l.* for Commissioners of Highland Roads and Bridges;

12,000*l.* for Bounties on Slaves and Slave Vessels captured;

900*l.* for Publication of Ancient Laws of Ireland;

9,000*l.* for Pay of Process Servers, Ireland;

70,900*l.* for Pensions to Masters and Seamen, &c. under the Merchant Seamen's Fund Act;

2,301*l.* for Registration of Joint Stock Companies;

1,790*l.* for Registration of Designs Office;

29,000*l.* for Payments under Treaties of Reciprocity;

3,800*l.* for Inspectors of Corn Returns, &c.;

17,000*l.* for distressed Seamen abroad:

Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Charge on account of the Annuity to the Board of Manufactures in Scotland, in discharge of Equivalents under the Treaty of Union; and any Sum or Sums of Money not exceeding Five thousand Pounds, on account of the Commissioners of Highland Roads and Bridges, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to pay the Bounties on Slaves and the Tonnage Bounties on Slave Vessels captured, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the Expense of the Commission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expense of the Pay of the Process Servers in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventy thousand nine hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand three hundred and one Pounds, to defray the Salaries and Expenses of the Office for the Registration of Joint Stock Companies, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand seven hundred and ninety Pounds, to defray the Charge of the Salaries and Expenses in the Registration of Designs Office, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-nine thousand Pounds, to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Charges on account of distressed British Seamen abroad; and

and any Sum or Sums of Money not exceeding Three thousand six hundred Pounds, to defray Expenses connected with Quarantine Arrangements, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and fifty Pounds, to defray the Charge of the Remuneration to Revising Barristers in England and Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Seven thousand three hundred and thirty-eight Pounds, to defray the Charge for the Constabulary Police at the Military Camp of Aldershot, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expenses of the Inspection of Burial Grounds in England and Wales, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-one thousand two hundred and sixty-two Pounds, towards defraying the Expense of forming a Park at Battersea, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Thirty-five thousand seven hundred and fifty-three Pounds, towards defraying, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of constructing an Embankment and public Roadway between Battersea and Vauxhall Bridges, and an Approach from Sloane Street to Chelsea Bridge; and any Sum or Sums of Money not exceeding One thousand five hundred and forty-four Pounds to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Charge for Services connected with the Improvements at Windsor; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Charge for Works at Carisbrook Castle, Isle of Wight, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Nine thousand Pounds, towards defraying, to the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of providing and fixing Wire Doors, Ends, and Divisions to the Presses, for the better Security of the Records and Documents in the General Repository for Public Records; and any Sum or Sums of Money not exceeding Two thousand and eighty-four Pounds, towards defraying the Expense of Works and Furniture at the British Seamen's Hospital at Constantinople, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray the Cost of certain Works at Spurn Point, River Humber, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six hundred and twenty-seven Pounds, to defray the Cost of Works for the Improvement

3,600*l.* for Expenses of Quarantine Arrangements;

17,850*l.* for Revising Barristers in England and Wales;

7,338*l.* for Constabulary Police at Military Camp at Aldershot;

3,000*l.* for Inspection of Burial Grounds in England and Wales;

21,262*l.* for Battersea Park;

35,753*l.* for Embankment, &c. between Battersea and Vauxhall Bridges, &c.;

1,544*l.* for Improvements at Windsor;

1,500*l.* for Works at Carisbrook Castle, Isle of Wight;

9,000*l.* for Preservation of Public Records:

2,084*l.* for Works and Furniture at British Seamen's Hospital at Constantinople;

6,000*l.* for Works at Spurn Point, River Humber;

627*l.* for Improvement of Navigation of Menai Straits;

provement of the Navigation of the Menai Straits, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding One thousand and fifty-three Pounds, to defray the Charge of the Salaries of certain Professors in the University of Cambridge, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Fifteen thousand five hundred and twenty-nine Pounds, to defray the Charge of the Salaries and Expenses of the Incumbered Estates Commission, Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand Pounds, to complete, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expenses of the Irish Census, One thousand eight hundred and fifty-one; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards the Erection of a Gallery of Arts in Dublin, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twenty-nine thousand four hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of erecting and maintaining certain Lighthouses abroad; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Expense of the Australian Expedition; and any Sum or Sums of Money not exceeding Seventeen thousand five hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Charge of erecting at Scutari a Public Monument to the Memory of those who have fallen during the War with Russia; and any Sum or Sums of Money not exceeding Three thousand six hundred and ninety-one Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, pecuniary Claims arising out of Arrangements connected with the Orange River Territory (Cape of Good Hope); and any Sum or Sums of Money not exceeding Six thousand nine hundred and twelve Pounds, towards defraying the Expense of Works, Furniture, Fittings, &c. for the British Embassy Houses abroad, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Eight hundred and twenty-seven Pounds, for the Maintenance of a British Protestant Cemetery at Madrid, to the Thirty-first Day of March One thousand eight hundred and fifty-seven.

1,053*l.* for certain Professors at Cambridge;

15,529*l.* for Incumbered Estates Commission, Ireland;

3,000*l.* for Irish Census;

3,000*l.* for Gallery of Arts in Dublin;

29,400*l.* for Lighthouses abroad;

15,000*l.* for Australian Expedition;

17,500*l.* for a Public Monument at Scutari;

3,691*l.* for a Arrangements connected with Orange River Territory;

6,912*l.* for British Ambassador's Houses abroad;

827*l.* for British Protestant Cemetery at Madrid.

CIVIL SERVICES. *Class* 8.

There shall be issued 40,000*l.* for

CIVIL SERVICES.—*Class* 8.

XXVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding

exceeding Forty thousand Pounds, to defray the Cost of executing Public Works, maintaining Educational and Benevolent Institutions, and promoting Civilization among the Native Tribes in South Africa, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Twelve thousand six hundred and thirty-four Pounds, to make good, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, the Loss on Transactions connected with raising Money for the several Treasury Commissariat Chests, and for Freight of Specie conveyed to the various Stations abroad; and any Sum or Sums of Money not exceeding Six thousand six hundred Pounds, to defray the Cost of collecting Agricultural Statistics in Ireland and Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards carrying out Measures for the Formation of a Gallery of the Portraits of the most eminent Persons in British History, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Cost of removing the Science and Art Branch of the Education Department of the Council Office from Marlborough House to Kensington Gore, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Two thousand five hundred and seventy Pounds, to defray the Cost of forming a new Road through Holyrood Park to Duddingstone, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Six thousand one hundred and eighty-four Pounds, to pay, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven, Compensation to Mr. Patrick Boyle on the Surrender of his Patent Office of Clerk of Justiciary in Scotland; and any Sum or Sums of Money not exceeding Four thousand five hundred Pounds, to defray the Cost of forming an Entrance to Saint James's Park from Pall Mall, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Cost of erecting a Suspension Bridge for Foot Passengers over the Water in the Inclosure in Saint James's Park, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-seven.

Public Works, maintaining Institutions, &c.;

12,634*l.* to make good Loss on certain Monetary Transactions;

6,600*l.* for Collection of Agricultural Statistics in Ireland and Scotland;

2,000*l.* for Formation of a Portrait Gallery;

10,000*l.* for removing Science and Art Branch of Educational Department from Marlborough House to Kensington Gore;

2,570*l.* for forming a new Road through Holyrood Park;

6,184*l.* to Patrick Boyle;

4,500*l.* for forming an Entrance to St. James's Park from Pall Mall;

3,500*l.* for erecting a Suspension Bridge over Inclosure in St. James's Park.

XXIX. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made

Supplies to be applied only for the Purposes aforesaid.

made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

XXX. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Sixteen millions five hundred sixty-eight thousand six hundred and fourteen Pounds for Naval Services; and in the Sum of Eight millions seven hundred eighty-nine thousand and ninety-nine Pounds for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings and Repairs at home and abroad; and in the Sum of Eleven millions six hundred eighty-eight thousand nine hundred and thirty-five Pounds for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this Act for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Sixteen million five hundred sixty-eight thousand six hundred and fourteen Pounds, granted by this Act for Naval Services, or the aggregate Sums of Eight millions seven hundred eighty-nine thousand and ninety-nine Pounds and Eleven million six hundred eighty-eight thousand nine hundred and thirty-five Pounds for the respective Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons, with the Navy and Army Estimates for each Year, a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid during the Year ended on the Thirty-first Day of December of the preceding Year, together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXXI. And

XXXI. And as to the Sum of Three hundred and seventy-two thousand Pounds, being the Proportion of the Sum of Five hundred nineteen thousand and ninety-four Pounds by this Act appropriated to the Pay of reduced and retired Officers, which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached

Rules to be observed in the Application of the Sum appropriated to Half Pay.

attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and fifty-six, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of June One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and fifty-seven it shall

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of

shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting on the First Day of the sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXXII. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXXIII. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act to "apply a Sum out of the Consolidated Fund and the Surplus of "Ways and Means to the Service of the Year One thousand eight "hundred and fifty-five, and to appropriate the Supplies granted in "this Session of Parliament," has been issued without requiring by Persons issuing or paying, and without the taking by the Persons receiving, Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay, and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay, who at the same Time held and may still hold the Situations of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps in Great Britain or Ireland, and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the

Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified. 18 & 19 Vict. c. 129.

the advising, authorizing, or directing the issuing or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings in respect of anything done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of such Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Uses heretofore established or observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations, and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated, in respect thereof, in all Accounts relating to such Issues and Payments, anything in any Act or Acts, or any Laws, Rules, or Regulations, to the contrary notwithstanding.

Half Pay allowed to Officers of the Manx Fencibles.

XXXIV. And whereas the Royal Regiment of Manx Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps, but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay and who accepted or held Subaltern Commissions in the Royal Regiment of Manx Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not in any Year or Time for which such Arrear is claimed any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officer of the Royal Regiment of Manx Fencibles, and the making and subscribing the said Declaration shall, without making

making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXXV. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Surplus of Sum by 18 & 19 Vict. c. 129. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXVI. And whereas by the said recited Act passed in the Eighteenth and Nineteenth Years of Her present Majesty the several Supplies which had been granted to Her Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money, not exceeding Three hundred and eighteen thousand Pounds in the whole, was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and fifty-five, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the Sum of Three hundred and eighteen thousand Pounds as is or shall be more than sufficient to satisfy the said reduced Officers according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late Wars, or such others as by reason of their long Service or otherwise Her Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants under Her Majesty's Royal Sign Manual as shall

shall be signed in that Behalf, anything in this Act or the said Act to the contrary notwithstanding.

Widows, &c. claiming Pensions to make required Declaration.

XXXVII. And as to the Sum of Two hundred twenty thousand four hundred and twenty Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXXVIII. Any such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. CVI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

[29th *July* 1856.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Eleventh Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures mentioned in the Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The

Second Annual Inclosure Act, 1856," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Newport	Essex	17th October 1855.
Hennington Hill	Somerset	14th February 1856.
East Meon	Southampton	28th February 1856.
Wintershill Common	Southampton	10th January 1856.
Llyswen Commonable Fields	Brecon	19th March 1856.
Llyswen Common	Brecon	19th March 1856.
Mynyddfernach	Brecon	19th March 1856.
Hatherton	Stafford	7th February 1856.
Letterston	Pembroke	17th April 1856.
South Creake	Norfolk	1st May 1856.
Calstock	Cornwall	2d June 1853.
Winterburn Moor	York	22d May 1856.
Brixham	Devon	1st May 1856.
Chatcul Green	Stafford	8th May 1856.
Brandsby	York	8th May 1856.
Lynton	Devon	22d May 1856.
Linn otherwise Lyn	Devon	22d May 1856.
Filton	Gloucester	8th May 1856.
Aston and Bennington	Hertford	24th January 1854.
Bennington Aston and Little Munden	Hertford	1st May 1856.
Appleton Roebuck	York	8th May 1856.
Entwisle	Lancaster	1st May 1856.
Framfield Manor	Sussex	27th May 1856.
Liss	Southampton	18th January 1856.
Hughenden	Bucks	5th June 1856.
Alwinton	Northumberland	26th June 1856.
Glyngynwidd and Glynbrochan	Montgomery	3d April 1856.
Llangeitho Common	Cardigan	26th June 1856.

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ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. CVII.

An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853. [29th *July* 1856.]

WHEREAS by an Act passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to abate the Nuisance arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above* London Bridge, it was enacted, that nothing in that Act contained shall extend or apply to any Glass Works or Pottery Works existing within the Metropolis before the passing of the said Act, and it is expedient that the said Provision be repealed, and the said Act be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 16 & 17 Vict. c. 128.

Exemption of certain Glass and Pottery Works from Operation of recited Act repealed.

Steam Vessels plying between London and the Nore Light subject to Provisions of recited Act.

I. From and after the First Day of *January* One thousand eight hundred and fifty-eight, the above-mentioned Provision whereby certain Furnaces in Glass Works and Pottery Works were exempted from the Operation of the said Act shall be repealed; and all Steam Vessels plying to and fro between *London Bridge* and any Place on the River *Thames* to the Westward of the *Nore* Light shall be subject to the Provisions of the said recited Act relating to Steam Vessels above *London Bridge*.

II. And

Provisions of recited Act extended to Furnaces used in public Baths and Wash-houses.

II. And whereas it is expedient that Furnaces employed in public Baths and Wash-houses should be included within the Provisions of the said recited Act: Be it enacted, That from and after the said First Day of *January* One thousand eight hundred and fifty-eight every Furnace employed or to be employed in any such public Baths and Wash-houses in the Metropolis, although the same shall not be used for the Purposes of Trade or Manufacture, shall be and the same is hereby included in and made liable to all the Provisions of the said recited Act.

No Proceedings to be taken by Secretary of State under 16 & 17 Vict. c. 128., unless Local Authorities fail to proceed under 18 & 19 Vict. c. 121.

III. And whereas in the said Act, Sixteen and Seventeen *Victoria*, Chapter One hundred and twenty-eight, it was provided, that other Nuisances besides Smoke should be proceeded against at the Instigation of One of Her Majesty's Principal Secretaries of State: And whereas by the subsequent Acts, Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty and Chapter One hundred and twenty-one, the Local Authorities are entitled to originate Proceedings for the Abatement of such Nuisances: Be it hereby enacted, That no Proceeding shall be taken under the said Act, Sixteenth and Seventeenth *Victoria*, Chapter One hundred and twenty-eight, against other Nuisances besides Smoke, unless it shall at any Time appear to the Secretary of State that the Local Authorities fail to proceed actively and impartially in noticing and suppressing such Nuisances.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. CVIII.

An Act to amend the Acts relating to the County Courts. [29th *July* 1856.]

WHEREAS it is expedient to amend and extend the Provisions of the Acts relating to the County Courts established by the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Provisions of this Act shall come into operation on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-six, except the Provisions relating to framing a Scale of Costs and making Rules and Orders of Practice and Forms of Proceeding which shall come into operation on the passing of this Act. Commencement of Act.

II. The several Enactments specified in Schedule (A.) to this Act are hereby repealed, except as to Acts done under them. Enactments in Schedule (A.) repealed.

III. This Act and the Acts passed in the Sessions of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, in the Twelfth and Thirteenth Years of the This Act and 9 & 10 Vict. c. 95., 12 & 13 Vict. c. 101.,

13 & 14 Vict. c. 61., and 15 & 16 Vict. c. 54. to be construed together.

the Reign of Her present Majesty, Chapter One hundred and one, in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-one, and in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four, shall be read and construed as One Act, as if the several Provisions in the said recited Acts contained, not inconsistent with the Provisions of this Act, were repeated and re-enacted in this Act.

This Act and those above recited to apply to Debts sued for under 18 & 19 Vict. c. 67.

IV. The Provisions of this Act and of the recited Acts which apply to any Debt not exceeding Twenty Pounds shall apply to such Debt or any Part thereof, although the same shall be secured by or claimed upon Bill of Exchange or Promissory Note, and notwithstanding the Statute of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven.

Time and Mode of certain Proceedings to be regulated by Rules of Practice.

V. Where the Time within which or where the Mode in which any Proceeding should be taken in the County Court is not prescribed, either in this Act or in any Act relating to the County Courts, such Time and Mode shall be appointed by the Rules of Practice, Orders, and Forms to be made as herein-after provided.

Qualification of Deputy Judge.

VI. Any Person hereafter to be appointed a Deputy to the Judge of a County Court shall be a Barrister-at-Law of Seven Years standing, or shall have practised as a Barrister and Special Pleader for at least Seven Years, or shall be a Judge of a County Court.

Where a Court cannot be held Proceedings to stand adjourned.

VII. Where by reason of the Death or unavoidable Absence of the Judge a County Court cannot be held, the Registrar, or in the event of his unavoidable Absence, the High Bailiff, shall adjourn the Court to such Day as he may deem convenient, and enter in the Minute Book the Cause of such Adjournment.

Clerk to be called Registrar.

VIII. The Clerk of a County Court shall hereafter be called the Registrar of the Court, and henceforth no Person shall be appointed Registrar of more than One Court.

Registrar of more than One Court to cease to be the Registrar of all but One of such Courts.

IX. From and after the First Day of *October* One thousand eight hundred and fifty-six, a Registrar of more than One County Court shall cease to be the Registrar of all of the Courts of which he is the Registrar, except of that Court of which he may by Writing addressed to the Judge of such Court have elected to remain the Registrar: Provided always, that this Provision shall not apply to any Registrar who was Clerk to any Court mentioned in Schedule (A.) or (B.) to the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, unless such Registrar shall, by Writing addressed to the Judge of such Courts, have signified his Desire that it should apply to him.

X. Every

X. Every Person who shall, under the Provisions of the last Section, cease to be the Registrar of One or more County Courts, shall be entitled to receive, as Compensation for the Loss sustained by him thereby, an Annuity equal to One Fourth of the yearly Amount of the Fees received in such Court or Courts for the Use of the Registrar, calculated on an Average of the Five Years ended the Thirty-first Day of *December* One thousand eight hundred and fifty-five, and the Commissioners of Her Majesty Treasury are hereby empowered to award in each Case such Annuity, and to direct Payment of the same to be made out of any Monies to be provided by Parliament for that Purpose: Provided always, that where any such Registrar shall have been the Clerk of any Court mentioned in the Schedule (A.) or (B.) to the Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety-five, Compensation may be awarded to him according to the Provisions of Section Thirty-eight of the said Act.

Compensation to Registrars.

XI. The Appointment of a Deputy of a Judge of a County Court, whether such Deputy shall have been appointed by the Judge, or by the Lord Chancellor, or by the Chancellor of the Duchy of *Lancaster*, shall not be vacated by the Death of the Judge, but his Acts done after such Death shall be as valid as if the Judge had not died, and he shall continue to act in all the Courts of the District of which the Deceased was Judge until the Lord Chancellor, or, where the whole of such District is within the Duchy of *Lancaster*, until the Chancellor of that Duchy, shall otherwise order, or a Successor to such Judge shall be appointed; and such Deputy shall receive as Remuneration for the Period that he may act as Deputy, after the Death of the Judge, such Sum as the Lord Chancellor shall direct, or if the Successor of the deceased Judge be appointed by the Chancellor of the Duchy of *Lancaster*, then as the said Chancellor of the Duchy shall direct, and such Sum shall be deducted from the Salary and Travelling Allowance of the Judge appointed to succeed the deceased Judge; and the Provisions of this Section shall apply to all Acts done by any Deputy prior to the Commencement of this Act.

Deputy of Judge to continue to act after Death of Judge till a new one is appointed.

Remuneration to Deputy Judge.

XII. The Appointment of a Deputy of a Registrar shall not be vacated by the Death or Removal of the Registrar, but his Acts done after such Death or Removal shall be as valid as if the Registrar had not died or been removed, and he shall continue to act until a Successor to such Registrar shall be appointed; and he shall receive as Remuneration for his Services during the Period he may so act after the Death or Removal of the Registrar a rateable Proportion of the Salary attached to the Office of Registrar.

Deputy of Registrar to continue to act after Death or Removal of Registrar.

Remuneration to Deputy Registrars.

XIII. On the Death or Removal of a Registrar who shall not have appointed a Deputy, the Judge may, for a Period not exceeding Three

Judge to appoint Deputy

Registrar provisionally if one has not been appointed.

Remuneration to Deputy Registrar.

Three Months, provisionally appoint a Person to discharge the Duties of Registrar; and such Person shall act as and have all the Rights and Liabilities of a Registrar until a permanent Successor shall be appointed, and shall receive as Remuneration for his Services during the Period he may so act a rateable Proportion of the Salary attached to the Office of Registrar.

Assistant Bailiffs to continue to act after Removal of High Bailiff.

Remuneration to Bailiffs.

XIV. The Appointment of the Bailiffs who are appointed to assist the High Bailiff shall not be vacated by the Death or Removal of the High Bailiff, but their Acts done after such Death or Removal shall be as valid as if the High Bailiff had not died or been removed, and had authorized such Acts, and they shall continue to act until they shall be dismissed by the Successor of the High Bailiff or by the Judge; and they shall be paid for their Services during the Period they shall so act after the Death or Removal of the High Bailiff the same Wages as they were receiving at the Date of such Death or Removal, and such Wages shall be paid out of the Salary and Allowances attached to the Office of High Bailiff.

Power to Registrar to issue Summons against Defendants residing out of Jurisdiction of Court.

XV. The Registrar of any County Court may issue a Summons against any Defendant residing out of the Jurisdiction of such Court, at any Time, upon the Application of any Plaintiff who will depose before such Registrar that his Cause of Action has arisen within the Jurisdiction of such Court, in like Manner as any Judge of any County Court has now Power to issue any such Summons.

On Death, &c. of High Bailiff, Judge to appoint provisionally a Deputy.

Remuneration to such Deputy.

XVI. On the Death or Removal of a High Bailiff, the Judge may, for a Period not exceeding Three Months, provisionally appoint a Person to discharge the Duties of High Bailiff; and such Person shall act as and have all the Rights and Liabilities of a High Bailiff until a permanent Successor shall be appointed, and shall receive as Remuneration for his Services during the Period he shall so act a rateable Proportion of the Salary and Allowances attached to the Office of High Bailiff.

Summons may be served or Process executed within 500 Yards of District, &c.

XVII. A Summons may be served, or a Warrant executed, within Five hundred Yards of the Boundary of the District of the County Court from which the same issued by the Bailiff of such Court, or, by Order of the Judge of such Court, by such Bailiff within the District of any other Court.

Districts of the Courts in the Metropolis to be treated as One District for certain Purposes.

XVIII. Where a Plaintiff shall dwell or carry on Business in the District of the *Bloomsbury* County Court of *Middlesex*, or in the District of the *Brompton* County Court of *Middlesex*, or in the District of the *Clerkenwell* County Court of *Middlesex*, or in the District of the *Lambeth* County Court of *Surrey*, or in the District of the *Marylebone* County Court of *Middlesex*, or in the District of the *Shoreditch* County Court of *Middlesex*, or in the District of the *Southwark*

Southwark County Court of *Surrey*, or in the District of the *Westminster* County Court of *Middlesex*, or in the District of the *Whitechapel* County Court of *Middlesex*, and the Defendant shall dwell or carry on Business in the District of any of the said Courts, the Summons may issue and be served either in the District in which the Plaintiff shall dwell or carry on Business, or in the District in which the Defendant shall dwell or carry on Business.

Where Judge of County Court can sue and be sued.

XIX. A Judge proposing to sue any Person dwelling or carrying on Business in any District of which he is the Judge may bring his Action in the County Court of any adjoining District of which he is not the Judge; and any Person proposing to sue a Judge may bring his Action in any County Court of a District adjoining the District of which the Defendant is Judge.

If Officer of Court be Plaintiff in his own Court, Defendant may remove the Cause to an adjoining District.

XX. If an Action be brought by an Officer of a County Court in the Court of which he is an Officer, except in case of the Registrar suing as Official Assignee, the Judge shall, at the Request of the Defendant, order that the Venue be changed, and that the Cause be sent for Hearing to the Court of some convenient District of which he is not the Judge; and the Registrar of the first-mentioned Court shall forthwith transmit by Post to the Registrar of such last-mentioned Court a certified Copy of the Plaint as entered in the Plaint Book, the duplicate Copy of the Summons and Particulars served on the Defendant, and a certified Copy of the Order for changing the Venue as entered in the Minute Book; and the Judge of such last-mentioned Court shall appoint a Day for the Hearing, Notice whereof shall be sent by Post or otherwise by the Registrar of such last-mentioned Court to both Parties.

Where Officer of County Court may be sued.

XXI. If an Action be brought against an Officer of a County Court, the Summons may issue in the District of which he is an Officer, or in any adjoining District the Judge of which is not the Judge of a Court of which the Defendant is an Officer.

Power to Judge to change Venue.

XXII. If a Judge of a County Court shall be satisfied by either Party to a Cause pending in his Court that such Cause can be more conveniently or fairly tried in some other County Court, he shall order that the Venue be changed, and that the Cause be sent for Hearing to such other County Court, or, if the Judge shall be interested in the Matter of any Cause pending in his Court, he shall order that the Venue be changed, and that the Cause be sent for Hearing to some convenient County Court of which he is not the Judge, at his Discretion; and in either Case the Registrar of the Court in which the Plaint was entered shall forthwith transmit by Post to the Registrar of the Court to which the Cause is to be sent a certified

a certified Copy of the Plaint, as entered in the Plaint Book, the duplicate Copy of the Summons and Particulars served on the Defendant, and a certified Copy of the Order for changing the Venue, and the Judge of such last-mentioned Court shall appoint a Day for the Hearing, Notice whereof shall be sent by Post or otherwise by the Registrar to both Parties.

If Parties agree, County Court shall have Power to try certain Causes, although the Matters be beyond its Jurisdiction.

XXIII. The County Courts shall not have Jurisdiction to try any Action for Criminal Conversation; but with respect to all other Actions, which may be brought in any Superior Court of Common Law, if both Parties shall agree by a Memorandum signed by them or their respective Attorneys that any County Court named in such Memorandum shall have Power to try such Action, such County Court shall have Jurisdiction to try the same.

Where Claim reduced by Set-off to 50*l*. Court to have Jurisdiction.

XXIV. Where in any Action the Debt or Demand claimed consists of a Balance not exceeding Fifty Pounds, after an admitted Set-off of any Debt or Demand claimed or recoverable by the Defendant from the Plaintiff, the Court shall have Jurisdiction to try such Action.

Where Title shall come in question, Court, with Consent of Parties at Trial, may decide the Claim.

XXV. In any Action in the County Court in which the Title to any corporeal or incorporeal Hereditament, or to any Toll, Fair, Market, or Franchise, shall incidentally come in question, the Judge shall have Power to decide the Claim which it is the immediate Object of the Action to enforce, if both Parties at the Hearing shall consent in any Writing signed by them or their Attorneys to the Judge having such Power; but the Judgment of the Court shall not be Evidence of Title between the Parties or their Privies in any other Action in that Court or in any Proceeding in any other Court; and such Consent shall not prejudice or affect any Right of Appeal of either of the Parties to such first-mentioned Action.

In certain Cases Judge of Superior Court may order Cause to be tried in County Court.

XXVI. Where in any Action of Contract brought in a Superior Court the Claim indorsed on the Writ does not exceed Fifty Pounds, or where such Claim, though it originally exceeded Fifty Pounds, is reduced by Payment into Court, Payment, an admitted Set-off, or otherwise, to a Sum not exceeding Fifty Pounds, a Judge of a Superior Court, on the Application of either Party, after Issue joined, may, in his Discretion, and on such Terms as he shall think fit, order that the Cause be tried in any County Court which he shall name; and thereupon the Plaintiff shall lodge with the Registrar of such Court such Order and the Issue; and the Judge of such Court shall appoint a Day for the Hearing of the Cause, Notice whereof shall be sent by Post or otherwise by the Registrar to both Parties or their Attorneys; and after such Hearing the Registrar shall certify the Result to the Master's Office of such Superior Court, and Judgment in accordance with such Certificate may be signed in such Superior Court.

XXVII. No

XXVII. No Action shall be brought in a County Court on any Judgment of a Superior Court.

No Action in County Court on Judgment of Superior Court.

XXVIII. In any Action in a County Court for a Debt or liquidated Money Demand exceeding Twenty Pounds, the Plaintiff may, at his Option, cause to be issued either a Summons in the ordinary Form, or a Summons in the Form or to the Effect given in Schedule (B.) to this Act numbered (1); provided that if such last-mentioned Summons be issued it shall be personally served on the Defendant Twelve clear Days before the Return Day thereof, and then if the Defendant shall not at least Six clear Days before such Return Day give Notice in Writing, signed by himself, his Attorney or Agent, to the Registrar, of his Intention to defend, the Plaintiff may, on or within One Month after such Return Day, without giving any Proof of his Claim, have Judgment entered up against the Defendant for the Amount of his Claim and Costs, such Costs to be taxed by the Registrar; and the Order upon such Judgment shall be for Payment forthwith, or at such Time or Times, and by such Instalments, if any, as the Plaintiff or his Attorney or Agent shall in Writing have consented to take at the Time of the Entry of the Plaint.

If liquidated Demand exceed 20*l.*, Plaintiff may require Defendant to give Notice of Intention to defend, on pain of Judgment by Default.

XXIX. If the Defendant shall give such Notice as in the last preceding Section is specified, the Action shall be heard in the ordinary Course; but in any event the Registrar shall, immediately after the last Day for giving such Notice, send a Letter to the Plaintiff by Post, stating therein whether the Defendant has or has not been served with such Summons, and whether he has or has not given Notice of his Intention to defend.

If Notice to defend be given, Action shall be tried.

Registrar to inform Plaintiff if Notice has or has not been given.

XXX. Where an Action of Contract is brought in One of Her Majesty's Superior Courts of Record to recover a Sum not exceeding Twenty Pounds, and the Defendant in the Action suffers Judgment by Default, the Plaintiff shall recover no Costs, unless upon an Application to such Court or to a Judge of One of the Superior Courts such Court or Judge shall otherwise direct.

In certain Cases of Judgment by Default, Costs may be recovered.

XXXI. A Judge of a County Court, in any Case where he shall see fit, upon Application on Affidavit by either Party, may issue an Order under his Hand and the Seal of the Court for bringing up before such Court any Prisoner or Person confined in any Gaol, Prison, or Place, under any Sentence or under Commitment for Trial or otherwise, except under Process in any Civil Action, Suit, or Proceeding, to be examined as a Witness in any Cause or Matter depending, or to be inquired of or determined in or before such Court; and the Person required by any such Warrant or Order to be brought before such Court shall be so brought under the same Care and Custody, and be dealt with in like Manner in all respects, as a Prisoner

Judge may issue Warrant for bringing up a Prisoner to give Evidence.

Prisoner required by any Writ of Habeas corpus awarded by any of Her Majesty's Superior Courts of Law at *Westminster* to be brought before such Court to be examined as a Witness in any Cause or Matter depending before such Court, is now by Law required to be dealt with: Provided always, that the Person having the Custody of such Prisoner or Person shall not be bound to obey such Order, unless a Tender be made to him of a reasonable Sum for the Conveyance and Maintenance of a proper Officer or Officers, and of the Prisoner or Person in going to, remaining at, and returning from such County Court.

Rules, &c. for regulating Practice of County Courts, and Forms of Proceedings, to be framed by Judges appointed by Lord Chancellor.

XXXII. The Lord Chancellor may appoint Five County Court Judges, and from Time to Time fill up any Vacancies in their Number, to frame Rules and Orders for regulating the Practice of the Courts, and Forms of Proceedings therein, and from Time to Time to amend such Rules, Orders, and Forms; and such Rules, Orders, and Forms, or amended Rules, Orders, and Forms, certified under the Hands of such Judges or any Three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same; and the Rules, Orders, and Forms, or amended Rules, Orders, and Forms, so allowed or altered, shall, from a Day to be named by the Lord Chancellor, be in force in every County Court.

Scale of Costs to be allowed to Attorneys in certain Proceedings in County Courts to be framed by the Judges.

XXXIII. With respect to Proceedings in the County Courts, in Actions where the Debt or Damage claimed exceeds Twenty Pounds, the Five County Court Judges mentioned in the last Section shall be empowered to frame a Scale of Costs and Charges to be paid to Counsel and Attorneys, and from Time to Time to amend such Scale; and such Scale or amended Scale, certified under the Hands of such Judges or any Three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same; and the Scale or amended Scale so allowed or altered shall, from a Day to be named by the Lord Chancellor, be in force in every County Court.

Costs of Attorney in certain Proceedings in County Courts shall be taxed by Registrar as between Party and Party.

XXXIV. With respect to such Proceedings as are specified in the last preceding Section, all Costs and Charges between Party and Party shall be taxed by the Registrar of the Court in which such Costs and Charges were incurred, but his Taxation may be reviewed by the Judge of the Court, on the Application of either Party; and no Costs or Charges shall be allowed on such Taxation which are not sanctioned by the Scale then in force.

Costs of Attorney in certain Proceedings in

XXXV. With respect to such Proceedings as are last hereinbefore specified, all Costs and Charges between Attorney and Client shall, on the Application either of the Attorney or Client, but

but not otherwise, be taxed by the Registrar of the Court in which such Costs and Charges were incurred, but his Taxation may be reviewed by the Judge of the Court, on the Application of either Party; and no Costs or Charges shall be allowed on such Taxation which are not sanctioned by the Scale then in force, unless the Registrar shall be satisfied that the Client has agreed in Writing to pay them, in which Case they may be allowed; and no Attorney shall have a Right to recover from his Client any Costs or Charges in respect of such Proceedings, unless they shall have been allowed, either on such Taxation, or on the Taxation of a Master of a Superior Court of Common Law or of the Court of Chancery.

County Courts may be taxed by Registrar as between Attorney and Client.

XXXVI. Where in any Action the Debt or Damage claimed shall not exceed Twenty Pounds, an Attorney shall not be entitled to recover from his Client any further Costs or Charges in the Conduct of such Suit than those mentioned in the Ninety-first Section of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, unless upon Taxation of Costs the Registrar be satisfied, by Writing under the Hand of the Client, that he has agreed to pay further Costs or Charges; and in such Case the Registrar may allow any Costs or Charges not exceeding the Amount which may have been so agreed to be paid.

Costs between Attorney and Client.

XXXVII. Until the Scale of Costs and Charges, and the Rules, Orders, and Forms mentioned herein, shall respectively be in force, the Scale of Costs and Charges, and the Rules, Orders, and Forms, respectively in operation in the County Courts at the Time of passing this Act, so far as the same are not inconsistent with this Act, shall continue in force.

Till new Scale of Costs, and Rules and Orders, and Forms, made, former Practice to continue.

XXXVIII. Any Action commenced in a County Court for a Claim not exceeding Five Pounds may be removed by Writ of Certiorari into a Superior Court, if such Superior Court or a Judge of a Superior Court shall deem it desirable that the Cause shall be tried in such Superior Court; and if the Party applying for such Writ shall give Security, to be approved of by One of the Masters of such Superior Court, for the Amount of the Claim, and the Costs of the Trial, not exceeding in all One hundred Pounds, and shall further assent to such Terms, if any, as the Superior Court or Judge shall think fit to impose.

Certiorari may be granted in certain Cases, at Discretion of Judge of Superior Court, on Security given.

XXXIX. If in any Action of Contract the Plaintiff shall claim a Sum exceeding Twenty Pounds, or if in any Action of Tort the Plaintiff shall claim a Sum exceeding Five Pounds, and the Defendant shall give Notice that he objects to the Action being tried in the County Court, and shall give Security, to be approved of by the Registrar,

In certain Cases Defendant may object to Cause being tried in the County Court.

Registrar, for the Amount claimed, and the Costs of Trial in One of the Superior Courts of Common Law, not exceeding in the whole the Sum of One hundred and fifty Pounds, all Proceedings in the County Court in any such Action shall be stayed; but if in any such Action the Defendant do not object to the same being tried by the County Court, or shall fail to give the Security aforesaid, the County Court shall dispose of the Cause in the usual Way; and the Entry of the Plaint in such Action shall be a sufficient Commencement of the Suit to prevent the Operation of any Statute of Limitation applicable to such Claim: Provided that nothing herein contained shall prevent the Removal of any Cause from a County Court by Writ of Certiorari in the Cases and subject to the Conditions in and subject to which such Cause may now be removed.

Rule or Summons to show Cause why a Writ of Certiorari or Prohibition should not issue to be a Stay of Proceedings.

XL. The granting by any of the Superior Courts or by any Judge thereof of a Rule or Summons to show Cause why a Writ of Certiorari or Prohibition should not issue to a County Court, shall, if the Superior Court or a Judge thereof so direct, operate as a Stay of Proceedings in the Cause to which the same shall relate until the Determination of such Rule or Summons, or until such Superior Court or Judge shall otherwise order; and the Judge of the County Court shall from Time to Time adjourn the Hearing of such Cause to such Day as he shall think fit until such Determination or until such Order be made; but if a Copy of such Rule or Summons shall not be served by the Party who obtained it on the opposite Party and on the Registrar of the County Court Two clear Days before the Day fixed for the Hearing of the Cause, the Judge of the County Court may, in his Discretion, order the Party who obtained the Rule or Summons to pay all the Costs of the Day, or so much thereof as he shall think fit, unless the Superior Court or a Judge thereof shall have made some Order respecting such Costs.

Notice of Writ of Certiorari or Prohibition having been obtained to be sent to Registrar.

XLI. Where a Writ of Certiorari or of Prohibition addressed to a Judge of a County Court shall have been granted by a Superior Court or a Judge thereof, on an *ex-parte* Application, and the Party who obtained it shall not lodge it with the Registrar, and give Notice to the opposite Party that it has issued, Two clear Days before the Day fixed for hearing the Cause to which it shall relate, the Judge of the County Court may, in his Discretion, order the Party who obtained the Writ to pay all the Costs of the Day, or so much thereof as he shall think fit, unless the Superior Court or a Judge thereof shall have made some Order respecting such Costs.

Application for Writ of Prohibition to a Judge shall be

XLII. When an Application shall be made to a Superior Court or a Judge thereof for a Writ of Prohibition to be addressed to a Judge of a County Court, the Matter shall be finally disposed of

of by Rule or Order, and no Declaration or further Proceedings in Prohibition shall be allowed.

finally disposed of by Rule or Order.

XLIII. No Writ of Mandamus shall henceforth issue to a Judge or an Officer of the County Court for refusing to do any Act relating to the Duties of his Office; but any Party requiring such Act to be done may apply to any Superior Court or a Judge thereof, upon an Affidavit of the Facts, for a Rule or Summons calling upon such Judge or Officer of a County Court, and also the Party to be affected by such Act, to show Cause why such Act should not be done; and if after the Service of such Rule or Summons good Cause shall not be shown, the Superior Court or Judge thereof may by Rule or Order direct the Act to be done, and the Judge or Officer of the County Court, upon being served with such Rule or Order, shall obey the same on pain of Attachment; and in any event the Superior Court or the Judge thereof may make such Order with respect to Costs as to such Court or Judge shall seem fit.

Rule or Order substituted for Writ of Mandamus to a Judge or Officer of a County Court.

XLIV. When any Superior Court or a Judge thereof shall have refused to grant a Writ of Certiorari or of Prohibition to be addressed to a Judge, or such Rule or Order as in the last preceding Section is specified, no other Superior Court or Judge thereof shall grant such Writ or Rule or Order; but nothing herein shall affect the Right of appealing from the Decision of the Judge of the Superior Court to the Court itself, or prevent a Second Application being made for such Writ or Rule or Order to the same Superior Court or a Judge thereof on Grounds different from those on which the First Application was founded.

Refusal of Writ of Certiorari or Prohibition or of Rule or Order in the Nature of a Mandamus by One Court or Judge to be final.

XLV. Where Judgment has been obtained in a County Court for a Sum not exceeding Twenty Pounds, exclusive of Costs, the Judge may order such Sum and the Costs to be paid at such Time or Times, and by such Instalments, if any, as he shall think fit, and all such Monies shall be paid into Court; but in all other Cases he shall order the full Amount for which Judgment has been obtained to be paid either forthwith, or within Fourteen clear Days from the Date of the Judgment, unless the Plaintiff, or his Counsel, Attorney, or Agent, will consent that the same shall be paid by Instalments, in which Case the Judge shall order the same to be paid at such Time or Times, and by such Instalments, if any, as shall be consented to, and all such Monies, whether payable in One Sum or by Instalments, shall be paid into Court.

Where Judgment does not exceed 20*l.*, Judge may order Payment by Instalments; in other Cases, Consent of Plaintiffs necessary.

XLVI. The precise Time when any Application shall be made to a Registrar to issue a Warrant against the Goods of a Party shall be entered by him in the Execution Book and on the Warrant; and when

Priority of Executions issuing out of County Court.

when more than One such Warrant shall be delivered to the High Bailiff to be executed he shall execute them in the Order of the Times so entered.

Priority of Executions issuing out of Superior Court and County Court.

XLVII. When a Writ against the Goods of a Party has issued from a Superior Court, and a Warrant against the Goods of the same Party has issued from a County Court, the Right to the Goods seized shall be determined by the Priority of the Time of the Delivery of the Writ to the Sheriff to be executed, or of the Application to the Registrar for the Issue of the Warrant to be executed; and the Sheriff, on Demand, shall, by Writing signed by any Clerk in the Office of the Under Sheriff, inform the High Bailiff of the precise Time of such Delivery of the Writ, and the Bailiff, on Demand, shall show his Warrant to any Sheriff's Officer, and such Writing purporting to be so signed, and the Endorsement on the Warrant, shall respectively be sufficient Justification to any High Bailiff or Sheriff acting thereon.

Summons for Commitment may, by Leave of Court, issue in Court in which Judgment was obtained.

XLVIII. A Judgment Summons authorized by the Ninety-eighth Section of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, may, by Leave of the Judge, be obtained from the Court in which Judgment was obtained, although the Judgment Debtor shall not then dwell or carry on Business within the District of such Court, if the Judge shall think fit, in the Exercise of his Discretion, to grant such Leave.

Judgment may be removed if there are no Goods to be taken under it.

XLIX. If a Judge of a Superior Court shall be satisfied that a Party against whom Judgment for an Amount exceeding Twenty Pounds, exclusive of Costs, has been obtained in a County Court, has no Goods or Chattels which can be conveniently taken to satisfy such Judgment, he may, if he shall think fit, and on such Terms as to Costs as he may direct, order a Writ of Certiorari to issue to remove the Judgment of the County Court into One of the Superior Courts, and when removed it shall have the same Force and Effect, and the same Proceedings may be had thereon, as in the Case of a Judgment of such Superior Court; but no Action shall be brought upon such Judgment.

Possession of small Tenements may be recovered in County Courts by Landlords where Term has expired or been determined by Notice.

L. When the Term and Interest of the Tenant of any corporeal Hereditament, where neither the Value of the Premises nor the Rent payable in respect thereof shall have exceeded Fifty Pounds by the Year, and upon which no Fine or Premium shall have been paid, shall have expired, or shall have been determined either by the Landlord or the Tenant by a legal Notice to quit, and such Tenant, or any Person holding or claiming by, through, or under him, shall neglect or refuse to deliver up Possession accordingly, the Landlord may enter a Plaint, at his Option, either against such Tenant

Tenant or against such Person so neglecting or refusing, in the County Court of the District in which the Premises lie for the Recovery of the same, and thereupon a Summons shall issue to such Tenant or such Person so neglecting or refusing; and if the Defendant shall not, at the Time named in the Summons, show good Cause to the contrary, then, on Proof of his still neglecting or refusing to deliver up Possession of the Premises, and of the yearly Value and Rent of the Premises, and of the holding, and of the Expiration or other Determination of the Tenancy, with the Time and Manner thereof, and of the Title of the Plaintiff if such Title has accrued since the letting of the Premises, and of the Service of the Summons if the Defendant shall not appear thereto, the Judge may order that Possession of the Premises mentioned in the Plaint be given by the Defendant to the Plaintiff, either forthwith or on or before such Day as the Judge shall think fit to name; and if such Order be not obeyed, the Registrar, whether such Order can be proved to have been served or not, shall at the Instance of the Plaintiff issue a Warrant authorizing and requiring the High Bailiff of the Court to give Possession of such Premises to the Plaintiff.

In Plaint for Recovery of Possession Plaintiff may claim for Rent and mesne Profits.

LI. In any such Plaint against a Tenant as in the last preceding Section is specified the Plaintiff may add a Claim for Rent or mesne Profits, or both, down to the Day appointed for the Hearing, or to any preceding Day named in the Plaint, so as the same shall not exceed Fifty Pounds, and any Misdescription in the Nature of such Claim may be amended at the Trial.

Possession of small Tenements may be recovered in County Court by Landlords for Non-payment of Rent.

LII. When the Rent of any corporeal Hereditament, where neither the Value of the Premises nor the Rent payable in respect thereof exceeds Fifty Pounds by the Year, shall for One Half Year be in arrear, and the Landlord shall have Right by Law to re-enter for the Nonpayment thereof, he may, without any formal Demand or Re-entry, enter a Plaint in the County Court of the District in which the Premises lie for the Recovery of the Premises, and thereupon a Summons shall issue to the Tenant, the Service whereof shall stand in lieu of a Demand and Re-entry; and if the Tenant shall Five clear Days before the Return Day of such Summons pay into Court all the Rent in arrear, and the Costs, the said Action shall cease, but if he shall not make such Payment, and shall not at the Time named in the Summons show good Cause why the Premises should not be recovered, then, on Proof of the yearly Value and Rent of the Premises, and of the Fact that One Half Year's Rent was in arrear before the Plaint was entered, and that no sufficient Distress was then to be found on the Premises to countervail such Arrear, and of the Landlord's Power to re-enter, and of the Rent being still in arrear, and of the Title of the Plaintiff if such Title has accrued since the letting of the Premises, and of the Service of the Summons if the Defendant

Defendant shall not appear thereto, the Judge may order that Possession of the Premises mentioned in the Plaint be given by the Defendant to the Plaintiff on or before such Day, not being less than Four Weeks from the Day of Hearing, as the Judge shall think fit to name, unless within that Period all the Rent in arrear and the Costs be paid into Court; and if such Order be not obeyed, and such Rent and Costs be not so paid, the Registrar shall, whether such Order can be proved to have been served or not, at the Instance of the Plaintiff, issue a Warrant authorizing and requiring the High Bailiff of the Court to give Possession of such Premises to the Plaintiff, and the Plaintiff shall from the Time of the Execution of such Warrant hold the Premises discharged of the Tenancy, and the Defendant, and all Persons claiming by, through, or under him, shall, so long as the Order of the Court remains unreversed, be barred from all Relief in Equity or otherwise.

Sub-Tenant served with Summons to recover Possession must give Notice to his immediate Landlord, who may come in and defend.

LIII. Where any Summons for the Recovery of a Tenement as is herein-before specified shall be served on or come to the Knowledge of any Sub-Tenant of the Plaintiff's immediate Tenant, such Sub-Tenant being an Occupier of the whole or of a Part of the Premises sought to be recovered, he shall forthwith give Notice thereof to his immediate Landlord under Penalty of forfeiting Three Years Rackrent of the Premises held by such Sub-Tenant to such Landlord, to be recovered by such Landlord by Action in the Court from which Summons shall have issued, and such Landlord, on the Receipt of such Notice, if not originally a Defendant, may be added or substituted as a Defendant to defend Possession of the Premises in question.

In Plaints to recover Possession of Premises how Summonses may be served.

LIV. A Summons for the Recovery of a Tenement may be served like other Summonses to appear to Plaints in County Courts; and if the Defendant cannot be found, and his Place of Dwelling shall either not be known or Admission thereto cannot be obtained for serving any such Summons, a Copy of the Summons shall be posted on some conspicuous Part of the Premises sought to be recovered, and such Posting shall be deemed good Service on the Defendant.

Warrants to High Bailiffs sufficient to justify them for entering on Premises.

LV. Any Warrant to a High Bailiff to give Possession of a Tenement shall justify the Bailiff named therein in entering upon the Premises named therein, with such Assistants as he shall deem necessary, and in giving Possession accordingly; but no Entry upon any such Warrant shall be made except between the Hours of Nine in the Morning and Four in the Afternoon.

Such Warrants to be in force for 3 Months from the Day

LVI. Every such Warrant shall, on whatever Day it may be issued, bear Date on the Day next after the last Day named by the Judge in his Order for the Delivery of Possession of the Premises in question, and shall continue in force for Three Months from such Date and no longer,

longer, but no Order for Delivery of Possession need be drawn up or served.

named for delivering Possession.

LVII. The Judge of a County Court may at all Times amend all Defects and Errors in any Proceeding in such Court, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend, or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for.

As to Amendment of Defects and Errors of Proceedings, &c.

LVIII. Any Affidavit to be used in a County Court may be sworn before a Judge or Registrar of a County Court, without the Payment of any Fee, or before a Commissioner to administer Oaths in Chancery in *England*, or a *London* Commissioner to administer Oaths in Chancery, or a Commissioner for taking Affidavits in any Superior Court, such Commissioners respectively not being Registrars, or before a Justice of the Peace.

Before whom Affidavits may be sworn.

LIX. Every Warrant of Commitment which shall issue from a County Court shall, on whatever Day it may be issued, bear Date on the Day on which the Order for Commitment was made, and shall continue in force for One Year from such Date and no longer, but no Order for Commitment shall be drawn up or served.

Warrants of Commitment, how long to be in force.

LX. No Officer of a County Court in executing any Warrant of a County Court, and no Person at whose Instance any such Warrant shall be executed, shall be deemed a Trespasser by reason of any Irregularity or Informality in any Proceeding on the Validity of which such Warrant depends, or in the Form of such Warrant, or in the Mode of executing it, but the Party aggrieved may bring an Action for any special Damage which he may have sustained by reason of such Irregularity or Informality against the Party guilty thereof, and in such Action he shall recover no Costs, unless the Damages awarded shall exceed Forty Shillings.

No Officer or Party shall be deemed a Trespasser by reason of Irregularity.

LXI. Any Judgment Summons issued out of a County Court under Section Ninety-eight of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, or under this Act, or any Warrant of Commitment in respect of an unsatisfied Judgment or Order of a County Court, may respectively be in the Form or to the Effect given in Schedule (B.) to this Act, numbered respectively (2.) and (3.); and all such Summonses or Warrants shall be deemed sufficient to justify Proceedings under them without any further Statement of Facts to show Jurisdiction.

Judgment Summonses and Warrants of Commitment sufficient if in Form given in Schedule.

LXII. The

Bankruptcy and Insolvency of Plaintiff not to cause Action to abate, if Assignees elect to continue it.

LXII. The Bankruptcy or Insolvency of the Plaintiff in any Action in a County Court, which the Assignees might maintain for the Benefit of the Creditors, shall not cause the Action to abate if the Assignees shall elect to continue such Action, and to give Security for the Costs thereof, within such reasonable Time as the Judge shall order, but the hearing of the Cause may be adjourned until such Election is made; and in case the Assignees do not elect to continue the Action, and to give such Security within the Time limited by the Order, the Defendant may avail himself of the Bankruptcy or Insolvency as a Defence to the Action.

Registrar to grant Replevins.

LXIII. The Powers and Responsibilities of the Sheriff with respect to Replevin Bonds and Replevins shall henceforth cease; and the Registrar of the County Court of the District in which any Distress subject to Replevin shall be taken shall be empowered, subject to the Regulations herein-after contained, to approve of Replevin Bonds, and to grant Replevins, and to issue all necessary Process in relation thereto, and such Process shall be executed by the High Bailiff.

Replevins to be granted, on Securities given.

LXIV. Such Registrar shall, at the Instance of the Party whose Goods shall have been distrained, cause the same to be replevied to such Party, on his giving one or other of such Securities as are mentioned in the next Two succeeding Sections.

Replevins may be commenced in Superior Courts.

Conditions of Security to be given in such Cases.

LXV. An Action of Replevin may be commenced in any Superior Court in the Form applicable to Personal Actions therein, and such Court shall have Power to hear and determine the same; and if the Replevisor shall wish to commence Proceedings in any Superior Court, he shall, at the Time of replevying, give Security, to be approved of by the Registrar, for such an Amount as such Registrar shall deem sufficient to cover the alleged Rent or Damage in respect of which the Distress shall have been made, and the probable Costs of the Cause in a Superior Court, conditioned to commence an Action of Replevin against the Distrainer in such Superior Court as shall be named in the Security, within One Week from the Date thereof, and to prosecute such Action with Effect and without Delay, and unless Judgment thereon be obtained by Default, to prove before such Superior Court that he had good Ground for believing either that the Title to some corporeal or incorporeal Hereditament, or to some Toll, Market, Fair, or Franchise, was in question, or that such Rent or Damage exceeded Twenty Pounds, and to make Return of the Goods, if a Return thereof shall be adjudged.

Conditions of Security to be given when Replevin brought in County Court.

LXVI. If the Replevisor shall wish to commence Proceedings in a County Court, he shall at the Time of replevying give Security, to be approved of by the Registrar, for such an Amount as such Registrar shall deem sufficient to cover the alleged Rent or Damage in

in respect of which the Distress shall have been made, and the probable Costs of the Cause in the County Court, conditioned to commence an Action of Replevin against the Distrainer in the County Court of the District in which the Distress shall have been taken, within One Month from the Date of the Security, and to prosecute such Action with Effect and without Delay, and to make Return of the Goods, if a Return thereof shall be adjudged.

Replevins shall, at Instance of Defendant, be removed into Superior Court by Certiorari, in certain Cases.

LXVII. Any Action of Replevin brought in a County Court shall be removed into any Superior Court by Writ of Certiorari, if the Defendant shall apply to such Superior Court or to a Judge there for such Writ, and shall give Security, to be approved of by the Master of such Superior Court, for such Amount, not exceeding One hundred and fifty Pounds, as such Master shall think fit, conditioned to defend such Action with Effect, and, unless the Replevisor shall discontinue or shall not prosecute such Action, or become nonsuit therein, to prove before such Superior Court that the Defendant had good Ground for believing, either that the Title to some corporeal or incorporeal Hereditament, or to some Toll, Market, Fair, or Franchise, was in question, or that the Rent or Damage in respect of which the Distress shall have been taken exceeded Twenty Pounds; and every such Superior Court shall have Power to determine the same Action.

Appeal in Actions of Replevin, and Proceedings in Interpleader, and for Recovery of Tenements.

LXVIII. An Appeal from the Decision of a County Court, on the same Grounds and subject to the same Conditions as are provided by the Fourteenth Section of the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-one, shall be allowed in all Actions of Replevin where the Amount of Rent or Damage exceeds Twenty Pounds, and in all Actions for the Recovery of Tenements where the yearly Rent or Value of the Premises exceeds Twenty Pounds, and in Proceedings in Interpleader where the Money claimed or the Value of the Goods or Chattels claimed, or of the Proceeds thereof, exceeds Twenty Pounds, and in all Actions where the Parties agree that the Court shall have Jurisdiction.

Parties may agree not to appeal.

LXIX. No Appeal shall lie from the Decision of a County Court, if before such Decision is pronounced both Parties shall agree, in Writing signed by themselves or their Attorneys or Agents, that the Decision of the Judge shall be final, and no such Agreement shall require a Stamp.

How Securities under County Court Acts to be given and enforced.

LXX. Where by this Act, or any Act relating to the County Courts, a Party is required to give Security, such Security shall be at the Cost of the Party giving it, and in the Form of a Bond, with Sureties, to the other Party or intended Party in the Action or Proceeding:

Proceeding: Provided always, that the Court in which any Action on the Bond shall be brought may by Rule or Order give such Relief to the Obligors as may be just, and such Rule or Order shall have the Effect of a Defeasance of such Bond.

Where Security is required to be given, a Deposit of Money may be made in lieu thereof.

LXXI. Where by this Act or any Acts relating to the County Courts a Party is required to give Security, he may in lieu thereof deposit with the Registrar, if the Security is required to be given in a County Court, or with a Master of the Superior Court if the Security is required to be given in such Court, a Sum equal in Amount to the Sum for which he would be required to give Security, together with a Memorandum, to be approved of by such Registrar or Master, and to be signed by such Party, his Attorney or Agent, setting forth the Conditions on which such Money is deposited, and the Registrar or Master shall give to the Party paying a written Acknowledgment of such Payment; and the Judge of the County Court, when the Money shall have been deposited in such Court, or a Judge of the Superior Court when the Money shall have been deposited in a Superior Court, may, on the same Evidence as would be required to enforce or avoid such Bond as in the last preceding Section is mentioned, order such Sum so deposited to be paid out to such Party or Parties as to him shall seem just.

Claimant of Goods taken in Execution must deposit their Values or pay Costs of keeping Possession, otherwise Goods shall be sold.

LXXII. Where any Claim shall be made under Section One hundred and eighteen of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, to or in respect of any Goods taken in Execution under the Process of a County Court, the Claimant may deposit with the Bailiff either the Amount of the Value of the Goods claimed, such Value to be fixed by Appraisement in case of Dispute, to be by such Bailiff paid into Court, to abide the Decision of the Judge upon such Claim, or the Sum which the Bailiff shall be allowed to charge as Costs for keeping Possession of such Goods until such Decision can be obtained, and in default of the Claimant so doing the Bailiff shall sell such Goods as if no such Claim had been made, and shall pay into Court the Proceeds of such Sale, to abide the Decision of the Judge.

Acknowledgments by married Women under 3 & 4 W. 4. c. 74. to be received by Judge.

LXXIII. Any Acknowledgment to be made by any married Woman of any Deed under the Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-four, may be received by a Judge of a County Court in the same Manner as such Acknowledgment may be received by a Judge of a Superior Court.

When Debtors Prison of County is

LXXIV. When any Prison wherein any Person committed by a County Court may be confined is situated at an inconvenient Distance from such Court, One of Her Majesty's Principal Secretaries of State may,

may, by Order under his Hand, direct that Persons committed by such Court shall be confined in any other Prison named in such Order to which Persons may be committed from any other County Court, though such Prison may be in a different County, District, City, Borough, or Place from that in which such first-mentioned Court shall be held, and may from Time to Time vary such Order; provided that no such Order shall be made without the Consent of the Visiting Justices of the Prison in which such Persons are to be directed by any such Order to be confined; and every Person so confined shall be supported at the Expense of the County, District, City, Borough, or Place in which he shall have resided at the Time of his Committal.

distant from a Court, the nearest Debtors Prison of adjoining Court may, by Order of a Secretary of State, be used.

LXXV. Section One of the Act of the Eighth Year of the Reign of Queen *Anne*, Chapter Fourteen, shall not apply to Goods taken in Execution under the Warrant of a County Court, but the Landlord of any Tenement in which any such Goods shall be so taken may claim the Rent thereof at any Time within Five clear Days from the Date of such taking, or before the Removal of the Goods, by delivering to the Bailiff or Officer making the Levy any Writing signed by himself or his Agent, which shall state the Amount of Rent claimed to be in arrear, and the Time for and in respect of which such Rent is due; and if such Claim be made, the Bailiff or Officer making the Levy shall in addition thereto distrain for the Rent so claimed and the Costs of such Distress, and shall not within Five Days next after such Distress sell any Part of the Goods taken, unless they be of a perishable Nature, or upon the Request in Writing of the Party whose Goods shall have been taken; and the Bailiff shall afterwards sell such of the Goods under the Execution and Distress as shall satisfy, first, the Costs of and incident to the Sale, next the Claim of such Landlord, not exceeding the Rent of Four Weeks where the Tenement is let by the Week, the Rent of Two Terms of Payment where the Tenement is let for any other Term less than a Year, and the Rent of One Year in any other Case, and lastly the Amount for which the Warrant issued; and if any Replevin be made of the Goods so taken, the Bailiff shall, notwithstanding, sell such Portion thereof as will satisfy the Costs of and incident to the Sale under the Execution, and the Amount for which the Warrant issued; and in either event the Overplus of the Sale, if any, and the Residue of the Goods, shall be returned to the Defendant; and the Poundage of the High Bailiff and Broker for keeping Possession, Appraisement, and Sale under such Distress, shall be the same as would have been payable if the Distress had been an Execution of the County Court, and no other Fees shall be demanded or taken in respect thereof,

When Goods seized under Process of County Court, Landlord may claim certain Rent in arrear.

LXXVI. If

Removal of Bonds from Registry of Common Pleas.

LXXVI. If any Bond given under the Provisions of any Act relating to the County Courts shall have been registered in the Court of Common Pleas in *England*, and the Condition of such Bond shall have been satisfied, the Commissioners of Her Majesty's Treasury, by Certificate under the Hands of any Two of them, may authorize the proper Officer of the said Court to enter up Satisfaction on the Record of such Bond or Obligation.

Compensations to Officers of Hundred Court of Wirral in the County of Chester.

LXXVII. From and after the passing of this Act, no Action or Suit shall be commenced in the Hundred or Wapentake Court of *Wirral* in the County of *Chester*, and the Authority and Jurisdiction of the said Court shall cease, and all Actions or Suits depending in the said Court shall be transferred, with all the Proceedings thereon, to the County Court for the District in which the respective Defendants shall then reside; and such Actions and Suits shall be dealt with and decided, as to the Costs of the same, as well as in other respects, according to the Practice of the County Court or of the said Hundred Court, according to the Discretion of the Judge of the County Court, which Court shall, for the Purpose of such Actions or Suits, be deemed to have all the Power and Jurisdiction possessed by the said Hundred Court before the passing of this Act; and every Person who is legally entitled to any Franchise or Office in or in respect of the said Hundred Court shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and the said Commissioners, in such Manner as they shall think fit, may inquire what was the Nature of the Franchise or Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such gross or yearly Sum, and for such Time as they shall think just to be awarded, upon consideration of the special Circumstances of each Case: Provided always, that if any Person holding any Office in the said Hundred Court shall be appointed to any Public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of the Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments; and the several Compensations herein-before granted shall be paid out of Monies to be voted by Parliament, and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby authorized to pay the same accordingly.

Fees specified in Schedule to be

LXXVIII. The Fees payable on the Proceedings in the County Courts mentioned in Schedule (C.) to this Act shall be those therein specified;

specified; and such Fees shall, except in Interpleaders, or where such Fees shall be payable in respect of keeping Possession, appraising or selling Goods seized, be paid in the first instance by the Party on whose Behalf any such Proceeding is to be taken, before such Proceeding is taken; and in default of the Payment of any Fees, Payment thereof shall, by Order of the Judge, be enforced by such Means as might be employed to recover any Debt adjudged by the Court to be paid; and a Table of all Fees shall be posted in some conspicuous Place in every Court House and in every Registrar's Office.

taken, and Table of Fees to be exhibited in Court and Registrar's Office.

LXXIX. The Commissioners of Her Majesty's Treasury, from Time to Time, with the Consent of the Lord Chancellor, may lessen or increase the Fees which are specified in Schedule (C.) to this Act, or which are now payable on Proceedings in the County Courts taken under any Act not herein-before recited, and may substitute other Fees in lieu thereof, and may order new Fees to be paid on any Proceedings which are now or shall hereafter be authorized to be taken in such Courts, whether any Fee is now payable thereon or not: Provided always, that every such Alteration in the Scale of Fees shall be notified to both Houses of Parliament within Ten Days from the Commencement of the Session next after such Alteration.

Treasury to regulate Fees to be taken in County Courts.

LXXX. The Salaries of the Judges of the County Courts shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury are hereby empowered to pay the same accordingly; and the Sums which are now or may hereafter be allowed to them for Travelling Expenses shall be paid out of Monies that may be voted by Parliament for that Purpose.

Salaries of Judges to be paid out of Consolidated Fund; Travelling Expenses out of Monies voted.

LXXXI. Whereas by the Fourteenth Section of the said Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four, it was enacted, that after the passing of the said Act the greatest Salaries to be received in any Case by the Judges of the County Courts should be One thousand five hundred Pounds, but that in no Case should any Judge be paid a less Salary than Twelve hundred Pounds: And whereas the Commissioners of Her Majesty's Treasury have ordered that the Salaries of the Judges whose Names are mentioned in the Schedule marked (D.) annexed to this Act should be fixed at the Amounts set opposite their respective Names in such Schedule: And whereas it is desirable that the Salaries of the Judges of the County Courts should be fixed by Parliament at One uniform Rate: Be it enacted, That every Judge of a County Court shall be paid a Salary of Twelve hundred Pounds a Year, and no more: Provided always, that the Judges mentioned in the said Schedule shall continue to receive

Salaries of the Judges.

receive the Salaries therein mentioned to be payable to them respectively so long as they shall continue to be Judges of the County Courts: And provided also, that nothing herein contained shall affect the Right or Title of any County Court Judge to receive any Sum or Sums of Money now or hereafter to be made payable to him for defraying his Travelling Expenses.

Registrars to be paid by Salaries, as herein mentioned.

LXXXII. The Registrars of the Courts shall be paid by Salaries; and the Principle on which the said Salaries shall be so regulated shall be, that the Registrar of each Court in which the Plaints entered do not exceed the Number of Two hundred in a Year shall have an annual Salary of One hundred and twenty Pounds; and that in Courts where the Plaints exceed Two hundred in the Year the Salaries shall be increased by Sums of Five Pounds for every Twenty-five additional Plaints up to One thousand Plaints inclusive, and then by Sums of Four Pounds for every Twenty-five additional Plaints up to Six thousand inclusive; and such Salaries shall be inclusive of all Salaries to the Clerks employed by the Registrar in the Business of their respective Courts, and of all Emoluments whatsoever, except those receivable by them in Proceedings in Insolvency or Protection; and in the Courts in which the Plaints exceed the Number of Six thousand the Amount of Salary shall be fixed by the said Commissioners, with the Consent of the Lord Chancellor, but in no Case shall the net Salary to be allowed exceed the maximum Salary of Seven hundred Pounds a Year as provided by the Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four: Provided always, that the Salary of any Registrar acting in a similar Capacity, or as Clerk, before the passing of the Act of the Ninth and Tenth Victoria, Chapter Ninety-five, in any Court mentioned in Schedule A. to that Act, shall not (exclusive of all Salaries to the Clerks to be employed by them as aforesaid, the Amount of such Salaries and the Number of such Clerks to be sanctioned and approved by the Commissioners of Her Majesty's Treasury,) be limited to any Sum less than the average Amount of the Fees and Emoluments of his Office during the Seven Years next before the passing of the said last-mentioned Act, such Amount to be ascertained by the Commissioners of Her Majesty's Treasury, or to a Sum less than the Amount which he now receives in pursuance of any Arrangement since the Abolition of the Court of which he was the Clerk or Registrar.

High Bailiffs to be paid partly by Salaries and partly by Fees.

LXXXIII. The High Bailiffs of the Courts shall be paid by Salaries to be fixed and regulated from Time to Time by the Commissioners of Her Majesty's Treasury, with the Consent of the Lord Chancellor, and shall, in addition to such Salaries, receive for their own Use the Fees appointed for keeping Possession of Goods under Executions, and

and such Salaries shall include all Payments made by the High Bailiffs to their Under Bailiffs, or, with the like Consent, the High Bailiffs may be paid partly by Salaries and partly by Allowances for the Execution of Warrants, and for Mileage on the Service or Execution of any Process.

Salaries of Registrars and High Bailiffs to be paid out of Fees.

LXXXIV. The Salaries of the Registrars and High Bailiffs shall be paid out of the Produce of the Fees payable under the Provisions of this Act; and whenever the Amount of such Fees shall not be sufficient to pay such Salaries the Deficiency shall be made good out of any Monies to be provided by Parliament for that Purpose; and the Surplus which from Time to Time shall remain after Payment of the said Salaries shall be paid over to the Credit of the said Consolidated Fund.

Expense of building, &c. to be paid out of Monies to be provided by Parliament.

LXXXV. The Expense of building, purchasing, or providing any Messuages and Lands for the Purposes of the County Courts, and of repairing, furnishing, cleaning, lighting, and warming the Court Houses and Offices, and of Payment of the Salaries of the necessary Servants for taking charge of such Court Houses and Offices, and of supplying the Courts and Offices with Law and Office Books and Stationery, and of Postage Stamps, and the Disbursements of the High Bailiffs in conveying to Prison Persons committed by the County Courts, and all other Expenses incident to the holding of the said Courts, shall be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be from Time to Time provided by Parliament for such Purposes.

Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.

Proviso as to Certiorari.

LXXXVI. All the Provisions of this Act applicable to Superior Courts and Judges thereof shall apply to the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, and the Judges thereof respectively, being Judges of One of the Common Law Courts at *Westminster*, and all the said Provisions applicable to Masters of Superior Courts shall apply to the respective Prothonotaries of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, and their respective Deputies, acting in the Execution of the Duties of such Officers: Provided that any Writs of Certiorari to be issued by the Order of such Courts or of a Judge thereof shall be issued out of the Chanceries of the Counties Palatine of *Lancaster* and *Durham* respectively, and shall be made returnable into the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, in the same Manner as other Writs of Certiorari of such Counties Palatine respectively.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

(1.)—*Parts of Acts repealed.*

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95. -	An Act for the more easy Recovery of Small Debts and Demands in England.	The whole of Sections 37., 52., 92., 107., 121, 122, 123., 126, 127., and 139. So much of Section 102. as enacts that "no Protection Order or "Certificate granted by any "Court of Bankruptcy, or for "the Relief of Insolvent Debt-"ors, shall be available to dis-"charge any Defendant from "any Commitment" under the Order of a Judge. So much of Section 142. as applies to the Word "Agent."
12 & 13 Vict. c. 101.	An Act to amend the Act for the more easy Recovery of Small Debts and Demands in England, and to abolish certain Inferior Courts of Record.	The whole of Section 6.
13 & 14 Vict. c. 61. -	An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same.	The whole of Sections 5, 6, 7, 17., 20, 21., and 23.
15 & 16 Vict. c. 54. -	An Act further to facilitate and arrange Proceedings in the County Courts.	The whole of Section 1.
17 & 18 Vict. c. 16. -	An Act to amend the Act of the Thirteenth and Fourteenth Victoria, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth Victoria, Chapter Fifty-four.	The whole of Section 1.

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SCHEDULE B.

No. 1.

Summons to obtain Judgment by Default on personal Service.

No. [*of Plaint*].

In the [*Title of Court issuing Summons*].

[*Seal.*] Between *A.B.*, Plaintiff,
and
C.D., Defendant.

[*Name, Description, and Address of Defendant.*]

TAKE NOTICE, That, unless at least Six clear Days before the [*Day of Appearance to Summons*] you return to the Registrar of this Court at [*Place of Office*] the Notice given below, dated and signed by yourself, or your Attorney or your Agent, you will not afterwards be allowed to make any Defence to the Claim which [*Name, Description, and Address of Plaintiff*] makes on you, as per Margin, the Particulars of which are hereunto annexed; but the Plaintiff may, without giving any Proof in support of such Claim, proceed to Judgment and Execution. If you return such Notice to the Registrar within the Time specified, you must appear at a County Court to be holden at on the Day of 185 , at the Hour of in the noon, to answer the above Claim, which will be heard on that Day.

	£	s.	d.
Claim	...	...	...
Fee for Plaint	...	...	...
Attorney's Costs	...	...	...
Total Amount of Debts and Costs	...	...	...

Dated this Day of 185 .

Registrar of the Court.

See Back.

Notice of Intention to defend.

No. [*of Plaint*]

In the [*Title of Court.*]

A.B. v. *C.D.*

I intend to defend this Cause.

Dated this Day of 185 .

(a) Defendant.

(a) Here must be signed the Name of Defendant, or of his Attorney or Agent, and in either of the last Two Cases the Words "Attorney for," or "Agent for," must be added.

[*To be indorsed on the Summons.*]

If you pay the Debt and Costs, as per Margin on the other Side, into the Registrar's Office, before the Day of Hearing, and without returning

returning the Notice of Intention to defend, you will avoid further Costs.

If you do not return the Notice of Intention to defend, but allow Judgment against you by Default, you will *save Half the Hearing Fee*, and the Order upon such Judgment will be to pay the Debt and Costs forthwith [*or* by Instalments, *to be specified, as in Plaintiff's written Consent*].

If you admit a Part only of the Claim, you must return the Notice of Intention to defend within the specified Time; and you may, by paying into the Registrar's Office the Amount so admitted, together with Costs proportionate to the Amount you pay in, Six clear Days before the Day of Hearing, avoid further Costs, unless the Plaintiff at the Hearing shall prove a Claim against you exceeding the Sum so paid.

If you intend to rely on a Set-off, Infancy, Coverture, a Statute of Limitations, or a Discharge under a Bankrupt or Insolvent Act, as a Defence, you must, in addition to the Notice of Intention to defend, give to the Registrar Notice of such special Defence Six clear Days before the Day of Hearing; and such last-mentioned Notice must contain the Particulars required by the Rules of the Court; and you must deliver to the Registrar as many Copies of such Notice as there are Plaintiffs, and an additional Copy for the Use of the Court. If your Defence be a Set-off, you must, with the Notice thereof, also deliver to the Registrar a Statement of the Particulars thereof. If your Defence be a Tender, you must pay into Court, before or at the Hearing, the Amount tendered.

If you give such Notice of Intention to defend within the Time specified, you may have the Case tried by a Jury, on giving Notice in Writing at the Registrar's Office, Two clear Days before the Hearing, and on Payment of Five Shillings for the Use of such Jury.

Summonses for Witnesses and the Production of Documents may be obtained gratis at the Office of the Registrar of this Court.

Hours of Attendance at the Office of the Registrar of this Court at [*Place of Office*] from Ten till Four.

This Summons must be served *personally* on the Defendant Twelve clear Days before the Day appointed for the Hearing.

No. 2.

Summons for Commitment.

In the [*Title of Court issuing Summons*].

[*Seal.*] No. [*of Summons*].

No. [*of Judgment or Order*].

BETWEEN *A.B.*, Plaintiff,

and

C.D., Defendant.

Whereas the Plaintiff obtained a Judgment [*or if no Judgment has been obtained, or if a fresh Order has been obtained upon a Judgment,*

an

an Order] against you in the County Court of on the Day of 185 , for the Payment of £ for Debt [*or* Damages], and £ for Costs, upon which Judgment [*or* Order], and the subsequent Process issued thereon, the Sum of £ is now due: You are therefore hereby summoned to appear personally in this Court at [*Place where Court holden*] on the Day of 185 , at the Hour of o'Clock in the noon, to be examined by the Court touching your Estate and Effects, and the Circumstances under which you contracted the said Debt [*or* incurred the said Damages], and as to the Means and Expectation you then had, and as to the Means you still have, of discharging the said Debt [*or* Damages], and as to the Disposal you may have made of any Property. And take notice, that if you disobey this Summons the Court may commit you to Prison.

Dated this Day of , 185 .

Registrar of the Court.

Hours of Attendance at the Office of the Registrar of this Court [*Place of Office*] from Ten till Four.

When issued under this Act, insert

"Issued by Leave of the Judge."

No. 3.

Warrant of Commitment.

In the [*Title of Court ordering Committal*].

[*Seal.*] No. [*of Commitment*].

No. [*of Judgment Summons*].

Between *A.B.*, Plaintiff,

and

C.D., Defendant.

To the High Bailiff and others the Bailiffs of the said Court, and all Peace Officers within the Jurisdiction of the said Court, and to the Governor or Keeper of the [*Prison used by the Court*].

Whereas the Plaintiff obtained a Judgment [*or* Order] against the Defendant in the County Court of on the Day of 185 , for the Payment of £ for Debt [*or* Damages] and Costs, upon which Judgment [*or* Order], and the subsequent Process issued thereon, the Sum of £ was at the Date of the issuing of the Summons herein-after mentioned and still is due:

And whereas a Summons was, at the Instance of the Plaintiff, duly issued out of this Court, by which the Defendant was required to appear

appear at this Court on the Day of 185 . to answer such Questions as might be put to him pursuant to Section Ninety-eight of the Statute 9th and 10th Victoria, Chapter 95., in relation to such Debt [*or* Damages], which Summons was proved to this Court to have been personally and duly served on the Defendant:

And whereas this Court, at the Hearing of the said Summons, ordered that the Defendant should be committed to Prison for Days, for [*as the Case may be*] not appearing pursuant to such Summons, or alleging a sufficient Excuse for not so appearing;

[*or* for refusing to be sworn];

[*or* for refusing to answer such Questions as aforesaid to the Satisfaction of the Judge];

[*or* for contracting the said Debt under false Pretences, *or* by means of Fraud *or* Breach of Trust, *or* without reasonable Expectation of being able to pay the same];

[*or* for making a Gift or Transfer of Part of his Property, with Intent to defraud his Creditors];

[*or* for having charged, *or* removed, *or* concealed Part of his Property with Intent to defraud his Creditors];

[*or* for not having satisfied the said Judgment and Costs, having had sufficient Means and Ability so to do]:

These are therefore to require you the said High Bailiff, Bailiffs and others, to take the Defendant, and to deliver him to the Governor or Keeper of the [*Prison used by the Court*], and you the said Governor or Keeper to receive the Defendant, and him safely keep in the said Prison for Days from the Arrest under this Warrant, or until he shall be sooner discharged by due Course of Law.

Dated this [*insert Date of Order*] Day of 185 .

E.F.

Registrar of the Court.

	£	s.	d.
Amount remaining due - - - -	...	...	...
Poundage for issuing this Warrant - -	...	...	...
Total -	...	...	...

This Warrant *remains in force One Year* from the Date thereof.

This Form to be applicable to all Judgments recovered at the Hearing, or by Default, or by Consent, and to all Orders within the Jurisdiction of the Court.

SCHE-

SCHEDULE C.

For every Plaint,—Tenpence in the Pound.

No Fee shall be payable on any Application for a new Trial, or to set aside Proceedings, or in the Nature of a Scire facias, or for a Summons in an Interpleader.

For every Judgment by Consent under the 13 & 14 Vict. c. 61. ss. 8. or 9., and for every Judgment by Default,—One Shilling in the Pound.

For every Hearing,—Two Shillings in the Pound.

An additional Hearing Fee shall be taken for every new Trial.

The Hearing on Interpleader shall not be prepaid, but shall be estimated on the Amount of the Money or the Value of the Goods claimed, which Value, in case of Dispute, shall be assessed by the Judge, who at the Hearing shall direct by whom and when and how such Fee shall be paid.

No Fee shall be payable for hearing any Application for a New Trial, or to set aside Proceedings, or in the Nature of a Scire Facias.

For every Jury,—Five Shillings shall be paid to the Registrar by the Party demanding the Jury, on such Demand, for the Use of the Jurors.

For every Summons for Commitment under the 9 & 10 Vict. c. 95. Sect. 98.,—Threepence in the Pound on the Amount of the original Demand then remaining due.

For every Hearing of the Matters mentioned in such Summons for Commitment,—Sixpence in the Pound on the Amount last aforesaid.

For issuing every Warrant against the Body or Goods,—Eighteenpence in the Pound on the Amount for which such Warrant shall issue.

For issuing every Warrant to deliver Possession of Tenements,—Eighteenpence in the Pound.

For taking the Acknowledgment of a married Woman,—One Pound.

High Bailiff's Fees.

For keeping Possession of Goods till Sale, per Day, (including Expenses of Removal, Storeage of Goods, and all other Expenses,) not exceeding Five Days,—Sixpence in the Pound on the Value of the Goods seized, to be fixed by Appraisement in case of Dispute.

Brokers

BROKERS AND APPRAISERS FEES.

For the Appraisement of Goods, whether by One Broker or more, Sixpence in the Pound on the Value of the Goods appraised, over and above the Stamp Duty.

For the Sale of Goods, including Advertisements, Catalogues, Sale and Commission, and Delivery of Goods,—One Shilling in the Pound on the net Produce of Sale.

In all Plaints for the Recovery of Debt or Damages, all Poundage, except where otherwise specified in this Schedule, shall be estimated on the Amount of the Claim.

In Replevins all Poundage, except as aforesaid, shall be estimated on the Amount of the alleged Rent or Damage, to be fixed by the Registrar.

In Plaints for the Recovery of Tenements when the Term has expired or been determined by Notice, all Poundage, except as aforesaid, shall be estimated on the Amount of the weekly, monthly, or yearly Rent of the Tenement, as such Tenement shall have been let by the Week or by the Month, or for any longer Period; and if no Rent shall have been reserved, then on the Amount of the Half-yearly Value of the Tenement, to be fixed by the Registrar.

If in any Plaint for the Recovery of Tenements a Claim be made for Rent or Mesne Profits, an additional Poundage shall be paid on the Amount of such Claim.

In Plaints for the Recovery of Tenements for Nonpayment of Rent, all Poundage, except as aforesaid, shall be estimated on the Amount of the Half-yearly Rent of the Tenement.

In every Case where the Poundage would but for this Rule be estimated on an Amount exceeding Twenty Pounds, it shall be estimated at Twenty Pounds only.

In every Case where the Poundage cannot be estimated by any Rule in this Schedule, it shall be estimated on Twenty Pounds.

All Fractions of a Pound, for the Purpose of calculating Poundage, shall be treated as an entire Pound.

Where the Plaintiff recovers less than the Amount of his Claim, so as to reduce the Scale of Costs, he shall pay the Difference, unless the Reduction shall be caused by a Set-off.

In Cases of Interpleader the Judge may allow at the Hearing the actual Costs incurred by the High Bailiff in keeping Possession of the Goods claimed, and no more.

No Increase of Fees shall be made by reason of there being more than One Plaintiff or Defendant.

SCHE-

SCHEDULE D.

	£
R. Brandt, Esquire, Judge of the County Court of Lancashire, holden at Manchester - - - -	1,500
F. Bayley, Esquire, Judge of the Westminster County Court of Middlesex - - - - -	1,500
J. Pollock, Esquire, Judge of the County Court of Lancashire, holden at Liverpool - - - -	1,500
J. L. Adolphus, Esquire, Judge of the Marylebone County Court of Middlesex; the Brompton County Court of Middlesex; and the County Court of Middlesex holden at Brentford - - - - - -	1,500
Mr. Serjeant Storks, Judge of the Shoreditch and Bow County Courts of Middlesex - - - -	1,500
J. Pitt Taylor, Esquire, Judge of the Lambeth County Court of Surrey, and the County Court of Kent holden at Greenwich and Woolwich - - -	1,500
W. Walker, Esquire, Judge of the County Courts of Yorkshire, holden at Barnsley, Doncaster, Goole, Rotherham, Sheffield, and Thorne - - - -	1,500
T. H. Marshall, Esquire, Judge of the County Courts of Yorkshire, holden at Leeds, Dewsbury, Pontefract, and Wakefield - - - - - -	1,500
J. W. Harden, Esquire, Judge of the County Courts of Cheshire, holden at Altrincham, Birkenhead, Chester, Knutsford, Nantwich, Northwich, and Runcorn; and of the County Courts of Lancashire, holden at Salford and Warrington - - - - -	1,500
Mr. Serjeant Clarke, Judge of the County Courts of Staffordshire, holden at Oldbury, Wallsall, and Wolverhampton; and of the County Court of Worcestershire, holden at Dudley - - - -	1,500
George Clive, Esquire, Judge of the Southwark County Court of Surrey - - - - -	1,500
D. D. Heath, Esquire, Judge of the Bloomsbury County Court of Middlesex - - - - -	1,500
Mr. Serjeant Jones, Judge of the Clerkenwell County Court of Middlesex - - - - -	1,500
J. Stansfeld, Equire, Judge of the County Courts of Yorkshire, holden at Halifax, Holmfirth, Huddersfield, and Todmorden - - - - - -	1,500
Mr. Serjeant Manning, Judge of the Whitechapel County Court of Middlesex - - - - -	1,500

	£
Leigh Trafford, Esquire, Judge of the County Courts of Warwickshire, holden at Atherstone, Birmingham, and Tamworth - - - - - -	1,500
J. Addison, Esquire, Judge of the County Courts of Lancashire, holden at Blackburn, Burnley, Clitheroe, Colne, Garstang, Kirkham, Lancaster, Poulton, and Preston -	1,500
Mr. Serjeant Dowling, Judge of the County Courts of Yorkshire, holden at Easingwold, Knaresborough, Leyburn, Northallerton, Richmond, Ripon, Selby, Stokesley, Thirsk, Wetherby, Whitby, and York - -	1,500
F. Dinsdale, Esquire, Judge of the County Court of Leicestershire, holden at Lutterworth; of the County Court of Northamptonshire, holden at Daventry; of the County Court of Oxfordshire, holden at Banbury; of the County Courts of Warwickshire, holden at Alcester, Coventry, Nuneaton, Rugby, Solihull, Southam, Stratford-on-Avon, and Warwick; and of the County Court of Worcestershire, holden at Shipston - - -	1,350
W. Furner, Esquire, Judge of the County Courts of Sussex, holden at Arundel, Brighton, Chichester, Cuckfield, East Grinstead, Hastings, Horsham, Lewes, Midhurst, Petworth, Rye, and Worthing - - - -	1,350
T. Falconer, Esquire, Judge of the County Courts of Brecknockshire, holden at Brecknock, Builth, Crickhowell, and Hay; of the County Courts of Glamorganshire, holden at Bridgend, Cardiff, Merthyr Tydfil, Neath, and Swansea; and of the County Court of Radnorshire, holden at Rhaiadr - - -	
J. St. John Yates, Esquire, Judge of the County Courts of Cheshire, holden at Congleton, Hyde, Macclesfield, and Stockport; of the County Court of Derbyshire, holden at Glossop; and of the County of Lancashire, holden at Ashton-under-Lyne - - - -	

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

CAP. CIX.

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools. [29th *July* 1856.]

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled, respectively, *An Act for the better Care and Reformation of Youthful Offenders in* Great Britain, and *An Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of Vagrant Children:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said

School to which Youthful Offenders committed need not be named in the Sentence.

said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which he or she has been sentenced, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate.

Supplemental Orders may be made.

II. Any Court, Judge, Sheriff, or Magistrate, or the Chairman or Deputy Chairman of such Court, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School, or in *Scotland* to any similar Institution, may, at his or their Discretion, make a Supplemental Order, in *England* at any Time before the Expiration of the Term of Imprisonment to which he or she has been sentenced, and in *Scotland* at any Time within Fourteen Days of the Date of the Order, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him or her, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parent or Guardian or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order or Supplemental Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or Supplemental Order, and shall name another School or Institution in *Great Britain*, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the certified School on which the Order shall have been made, in case the Removal shall take place before the Expiration of his or her Imprisonment, and in case the Removal shall take place from one such School or Institution to another then to pay the whole Expense, such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

IV. Pro-

Reformatory and Industrial Schools.

IV. Provided always, That if any such young Person who shall, under the Provisions of this Act, be sent from *Scotland* to any School out of *Scotland*, shall not have Right to a Settlement in any Parish therein, and might have been removed from *Scotland* under the Provisions of the Eighth and Ninth of Queen *Victoria*, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such young Person has become chargeable, had he or she not been sent out of *Scotland* under the Provisions of this Act, the Chargeability on such Parish for such young Person shall, on his or her being so sent out of *Scotland*, cease and determine.

As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland.

V. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, or in *Scotland* from other similar Institutions, as set forth in the said recited Acts.

Nothing to diminish Power of Secretary of State to order Removals, &c.

VI. The Expense of conveying any young Person sentenced in *England* under the first-recited Act or this Act to the Reformatory School to which he has been committed, under an original or Supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced in *Scotland* under either of the said recited Acts or this Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from one School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Expenses of Conveyance, how to be met.

VII. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody under Sentence of any young Person who is ordered to be sent to any Reformatory or Industrial School, or in *Scotland* any other similar Institution, to forward with such young Person to such School or Institution an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and if no

Governor of Prison to send Duplicate of Warrant of Commitment, if it exists, with Child, to Reformatory;

if not, then a Copy of Warrant.

no such Duplicate exists to forward with such young Person a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the young Person named therein and sent therewith is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or Copy to such Gaol or House of Correction, and the said Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such young Person in such School or Institution.

What is sufficient Evidence as to Certificate of School and Identity of Child.

VIII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or House of Correction from which the young Person in question was sent, as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent or Master or Matron of any Reformatory or Industrial School or other similar Institution, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School or Institution, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

Penalty on Persons wilfully inducing young Persons to abscond from Reformatory.

IX. When any young Person has been sentenced under the first-recited Act to be detained in any Reformatory School, duly certified by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magistrate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

X. One

X. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the *London* and *Edinburgh* Gazettes a List of all Reformatory or Industrial Schools or other similar Institutions which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Secretary of State to publish List of all Reformatory or Industrial Schools in London and Edinburgh Gazettes.

XI. It shall be lawful for any Justice or Justices of the Peace in *England* or *Wales*, proceeding under this Act, or under the said first-recited Act, or under the Act passed in the last Session of Parliament, Chapter Eighty-seven, for amending the same, to use the Forms of Conviction and Commitment, Complaints, Summonses, Orders, and Warrants, set forth in the Schedule to this Act annexed, so far as the same are applicable to each Case.

Justices may use the Forms set forth in the Schedule.

XII. The said recited Acts of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, and the said Act of the Eighteenth and Nineteenth Years of Her Reign for amending the same, shall be read as Part of this Act.

Recited Acts and 18 & 19 Vict. c. 87. to be read as Part of this Act.

XIII. The Word "Court" shall include all Persons having Authority under the said recited Acts or either of them, or any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

Interpretation of the Word "Court."

SCHEDULE.

(A.)

Conviction where the Reformatory School is named at the Time of Conviction (17 & 18 Vict. c. 86. s. 2.)

to wit. } Be it remembered, That on the Day of in the Year of our Lord , at in the [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., stating the Offence in the usual Manner*]; and we adjudge the said *A.B.*, for his said Offence, to be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there kept to Hard Labour*] for the Space of ; and we also direct, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, the said *A.B.* to be sent, at the Expiration of his [*or* her] said Sentence (*), to the Reformatory School at in the County of , (the Directors *or* Managers thereof being willing to receive him [*or* her] therein), and there detained for the Period of , commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given under our Hands and Seals the Day and Year first above mentioned at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(B.)

Commitment upon the last Conviction.

to wit. } To the Constable of , and to the Keeper of the [*House of Correction*] at in the said [*County*] of

Whereas *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.*, for his said Offence, should be imprisoned in the [*House of Correction*] at in the said [*County*],

[*County*], [*and there kept to Hard Labour*] for the Space of and it was also thereby directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to the Reformatory School at in the County of (the Directors *or* Managers thereof being willing to receive him therein), there to be detained for the Period of commencing from the Day of next [*the Date of the Expiration of the Sentence*]:

These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of : [And we further command you, the said Keeper, to send the said *A.B.* at the Expiration of his said Sentence to the said Reformatory School at aforesaid as and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Chapter]: And for so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)
L.M. (L.S.)

(C.)

Conviction where School not named at the Time of Conviction
(19 & 20 Vict. c. *109.* s. 1.)

Proceed to the Asterisk (*) *in the Form* (A.), *and then say,* To some Reformatory School, duly certified under the said Acts, as we may hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in this Behalf, and there detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given, *&c.*

(D.).

Commitment under the last Conviction.

Proceed to the Asterisk (*) *in the Form* (B.), *and then say,* To some Reformatory School, duly certified under the said Acts, as we might hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in that Behalf, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]; and of which Order and Direction you the said Keeper of the said [*House of Correction*] will have due Notice:

These are therefore [*&c., as in the Form* (B.), *omitting the Words* "And we further command you," *&c., between Brackets*].

(E.)

Order of Justices naming the Reformatory School, when not named at the Time of Committal (19 & 20 Vict. c. *109.* s. 1.)

To the Keeper of the [*House of Correction*] at , and to all others whom it may concern.

to wit. } WHEREAS *A.B.* of, *&c.* was on the Day of committed by our Warrant to the Custody of you the said Keeper of the said [*House of Correction*] for the Space of , and he is now in your Custody therein; and by the Conviction and Warrant in that Behalf it was directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to some Reformatory School, as we might thereafter name, order, and direct, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]: And whereas the Directors [*or* Managers] of the Reformatory School at in the County of are willing to receive the said *A.B.* therein; now, therefore, we, the said Justices, do order and direct, pursuant to the Acts aforesaid, that the said *A.B.* shall be sent, at the Expiration of the said Term of Imprisonment to which he has been so sentenced, to the said Reformatory School at aforesaid, there to be detained for the Period of Years, commencing from the said Day of ; and we do hereby command you the said Keeper to obey this our Order and Direction accordingly, and in the Manner directed by Section

Section VI. of the Statute 19th & 20th Victoria, Cap. *109.*; and for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J. S. (L. S.)
L.M. (L. S.)

[*N.B.*—A Copy or Duplicate of this Order should accompany the Commitment when the Offender is sent to the Reformatory School.]

(F.)

Supplemental Order of Justices changing the Reformatory School (19 & 20 Vict. c. *109.* s. 2.)

Proceed as in the Form (E.) *to the Asterisk* (*) *and then say,* To the Reformatory School at in the County of , there to be detained for the Period of Years, commencing from the Day of : And whereas it appears to us desirable that the Name of the said Reformatory School should be exchanged for the Name of the Reformatory School at in the County of (the Directors *or* Managers of which said last-mentioned School being willing to receive the said *A.B.* therein): Now, therefore, we, the said Justices, do, by this our Supplemental Order, made pursuant to the Act in that behalf, exchange the Name of the said Reformatory School accordingly; and do hereby command you, the said Keeper of the said [*House of Correction*] at aforesaid, to send and transfer the said *A.B.* to the said last-mentioned Reformatory School at aforesaid instead of the School named and directed in our aforesaid Warrant of Commitment.

Given, &c. [*as in the Form* (E.)]

(G.)

Complaint for enforcing in England and Wales Contribution to the Maintenance of a Youthful Offender from the Parent (18 & 19 Vict. c. 87. s. 2.)

to wit. } THE Complaint of *C.D.* of, *&c.*, who has been duly authorized by , One of Her Majesty's Principal Secretaries of State, to take Proceedings in this behalf, under the Statute 18th & 19th Victoria, Chapter 87, made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said County

County of , this Day of in the Year of our Lord at in the same County, who saith, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Reformatory School at in the County of , under the Acts for the better Care and Reformation of Youthful Offenders, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of is the Parent [*or* Step-parent] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son: (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*

J.S.

L.M.

(H.)

Summons to the Parent.

(*This will be in the Form* (A.) *in the Schedule to the* 11*th* & 12*th Vict. Cap.* 43.)

(I.)

Order on Parent to contribute a Weekly Sum.

Be it remembered, That on this Day of in the Year of our Lord 185 , at in the [*County*] of a certain Complaint of *C.D.* of, *&c.*, who was duly authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings in this Behalf, under the Statute 18th & 19th Victoria, Cap. 87., for that one *A.B.* of, *&c.* [*stating the Cause of Complainant, as in the Form* (G.) *between the Asterisks* (*) (*)], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of (in the Presence and Hearing of the said *C.B.*, *if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on Consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said *C.D.*, or to such other Person as the said Secretary of State may from Time to Time appoint to receive the same, the Sum of Shillings per Week from the Date of this Order until the

Day

Day of , the same to be paid at the Expiration of each [Twenty-eight, *or, as the Case may be*, Days].

Given under our Hands and Seals the Day and Year first above-mentioned, at in the [*County*] aforesaid.

J.S. (L. S.)
L.M. (L. S.)

(K.)

Distress Warrant for Amount in arrear.

to wit. } To the Constable of , and to all other Peace Officers in the said [*County*] of .

WHEREAS upon the Hearing of a Complaint made by One of Her Majesty's Principal Secretaries of State under the Statute 18th & 19th Victoria, Chapter 87, that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (G.) *between the Asterisks* (*) (*)], an Order was made on the Day of in the Year of our Lord by us, the undersigned [*or* by *L. M.* and *J. H.*], Two of Her Majesty's Justices of the Peace in and for the said [*County*] of against the said *C.B.*, to pay to *C.D.* of, *&c.*, or to such other Person as the said Secretary of State might from Time to Time appoint to receive the same, the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [*Twenty-eight*] Days [*or, as the Case may be*](*): And whereas there is due upon the said Order the Sum of being for [*Three*] Periods of [*Twenty-eight*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattles of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the of that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same unto us, to the End that such Proceedings may be had therein as to the Law doth appertain.

Given under our Hands and Seals this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L. S.)
L. M. (L. S.)

(L.)

(L.)

Commitment in default of Distress.

to wit. } To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Form* (K.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L. M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [*Three*] Periods of [*Twenty-eight*] Days, by Distress and Sale of the Goods and Chattels of the said *C. B.*: And whereas a Return has this Day been made to me the said Justice [*or*, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found: These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *C.D.* into your Custody in the said [*House of Correction*], there to imprison him for the Term of , unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said [*House of Correction*], amounting to the further Sum of , shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L. S.)

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

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VICTORIÆ REGINÆ.

***

present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "*Dublin* Hospitals Regulation Act."

Interpretation of certain Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of *Ireland;* the Word "Officer" shall mean and include Governors, Chaplains, Physicians, Surgeons, Apothecaries, Stewards, Clerks, Superintendents, Matrons, and other Officers; and the Word "Servant" shall mean and include Warders, Nurses, Keepers, Laundresses, Store Maids, Beadles, Gate-keepers, Porters, Messengers, and other Servants.

The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works.

III. The House of Industry Hospitals, and all Lands, Tenements, and Hereditaments of and belonging thereto, and not appropriated to the Purposes of a Workhouse under the Provisions of the said last-recited Act, shall vest in the Commissioners of Public Works in *Ireland* for the Time being in trust for and to the Use of the said Hospitals, according to the Nature and Quality, Estate and Interest of and in such Property, and subject to the Debts, Charges, and Incumbrances (if any) respectively affecting the same; but the said House of Industry Hospitals shall, subject to the Provisions herein-after contained in relation thereto, be regulated and managed in the Manner in which the same are now by Law regulated and managed, until the Lord Lieutenant shall by Order under his Hand otherwise direct.

Lord Lieutenant, with Consent of Treasury, to regulate Number of Officers and Servants to be kept for House of Industry Hospitals.

IV. The Lord Lieutenant shall, subject to the Approval of the Commissioners of Her Majesty's Treasury and to the Provisions herein-after contained, regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals as he may think fit, and the Salaries to be paid to them respectively, and the Lord Lieutenant may from Time to Time appoint or remove such Officers or Servants, and upon every Vacancy by Death, Removal, or otherwise in any such Office may appoint some other Person to such Office, and may fill up or not, as in his Discretion he may think fit, Vacancies among such Officers and Servants.

Lord Lieutenant may direct that the Management of the House of Industry

V. The Lord Lieutenant may, when he shall deem it expedient so to do, by Order direct that the Management of the House of Industry Hospitals shall be vested in a Board of Governors to be partly nominated by the Lord Lieutenant and partly elected by the Subscribers to the said Hospitals, in such Proportion as the Lord Lieutenant

tenant shall from Time to Time determine, and the Lord Lieutenant shall also from Time to Time determine the Number of Members of which such Board shall consist, and the Qualification of such Members as are to be so elected by the said Subscribers.

Hospitals be vested in a Board of Governors.

VI. Such Board of Governors, when so appointed, shall, subject to the Approval of the Lord Lieutenant, and of the Commissioners of Her Majesty's Treasury, and subject to such Orders as the Lord Lieutenant shall from Time to Time make in that Behalf, regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals, and the Salaries to be paid to them respectively, and may from Time to Time remove such Officers and Servants, and appoint others in their Stead, and may fill up or not, as in their Discretion they may think fit, Vacancies among such Officers and Servants.

Board, when appointed, shall, subject to Approval of Lord Lieutenant, and the Treasury, regulate Number of Officers, &c.

VII. The Salaries to such Officers and Servants shall be paid out of any Monies applicable to the Expenses of the said House of Industry Hospitals.

As to Payment of Salaries to Officers, &c.

VIII. The Lord Lieutenant may from Time to Time, by Order, alter the Constitution and limit and define the Powers of such Board of Governors, and may, by Order, delegate to the said Board of Governors, or to any Officer of the said House of Industry Hospitals, all or any of the Powers vested in the Lord Lieutenant in relation thereto.

Lord Lieutenant may alter Constitution of Board, and delegate Powers to such Board, &c.

IX. In case any Officer or Servant of such House of Industry Hospitals or of the Lock Hospital in *Dublin* shall become, from confirmed Sickness, Age, or Infirmity, incapable of executing the Office in Person, it shall be lawful for the Lord Lieutenant, if he think fit so to do, with the Consent and Approval of the Commissioners of Her Majesty's Treasury, to grant to such Officer or Servant an Annuity by way of Superannuation to be paid and payable out of any Monies which shall be applicable for the Expenses of such House of Industry Hospitals and Lock Hospital respectively: Provided always, that the annual Amount paid by way of Superannuation to any such Officer or Servant shall not exceed the Proportions with reference to the Amount of Salary and the Period of Service which by the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Twenty-four, are directed to be observed.

Lord Lieutenant, may with Consent of Treasury, grant Superannuations to Officers, &c. of House of Industry Hospitals.

X. The Commissioners of Public Works in *Ireland* may from Time to Time, subject to the Approval of the Lord Lieutenant, order all such ordinary Repairs as may be necessary for such House of Industry Hospitals, the *Westmoreland* Lock Hospital, and any Additions, Alterations,

The Board of Public Works may order ordinary Repairs of such House of

Industry Hospitals and the Westmoreland Lock Hospital.

Alterations, or Improvements to or in such Hospitals, or the Offices or Appurtenances thereto belonging, as may seem necessary or proper for the further or better Accommodation of the Patients who may be received therein; and the Expense of such Repairs, Additions, Alterations, and Improvements shall be paid and defrayed out of any Monies which shall be applicable for the Repairs or other ordinary Expenses of such Hospitals.

Power to appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants.

XI. It shall be lawful for the Lord Lieutenant to appoint any Number of Persons not exceeding Twelve to be a Board of Superintendence of all Hospitals in the City of *Dublin* which shall be supported in whole or in part by Moneys appropriated by Parliament for such Purpose, and to remove any Person so appointed; and in case of such Removal, or in case of the Death or Resignation of any such Person, to appoint another Person to be a Member of such Board of Superintendence in his Stead.

Duties of the Board of Superintendence.

XII. The Board of Superintendence shall inquire concerning the due Performance of the Rules and Regulations required to be observed by any Act, Charter, Testamentary Bequest, or Byelaw existing at the passing of this Act under any other proper Authority in any Hospital in the City of *Dublin* supported wholly or in part by Moneys appropriated by Parliament for such Purposes, and examine into the State and Repair of the Buildings, the Situation of the Patients therein, and the Government and Management thereof, and into the Conduct of all Persons holding any Office or Employment therein or relating thereto; and such Board of Superintendence are hereby authorized and empowered to examine any Officer or other Person relating to the Situation of the Patients in such Hospital, or to the Government and Management of such Hospital, and if it shall appear to the said Board that the Persons concerned in the Government or Management of any such Hospital, or any Person holding any Office or Employment therein or relating thereto, have been guilty of any Neglect or Non-observance of the Rules and Regulations to which they were respectively bound to conform, such Board of Superintendence shall make a Report respecting the same to the Lord Lieutenant.

Meetings of Board of Superintendence.

XIII. The several Persons appointed Members of such Board of Superintendence shall within One Month after their Appointment assemble at some convenient Place to be named in a Notice in Writing given by Two or more Members of the Board, or by the Secretary of the Board, to the several Members so appointed, such Notice to be given to each Member personally or left at his usual Place of Abode, or transmitted to him through the Post Office, Seven Days at least before the Time appointed for such Meeting, and the said Board may adjourn

adjourn the said Meeting from Time to Time, and meet when and so often as they think necessary; and the said Board shall at their First Meeting after their Appointment elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is present, and in case of the Absence of the Chairman from any Meeting, the Members of the Board then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of the Board there shall be present not less than Three Members thereof, except for Adjournment, which may be made by less than Three; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question, the Chairman for the Time being shall have an additional or Casting Vote.

Quorum.

XIV. It shall be lawful for the Lord Lieutenant to appoint a Secretary to the said Board of Superintendence at such Salary not exceeding One hundred and fifty Pounds *per Annum*, as the Lord Lieutenant shall appoint, to be paid out of such Funds as Parliament shall from Time to Time provide towards the Maintenance of such Hospitals, and the Lord Lieutenant may remove such Secretary, and in such Case, or in case of the Death or Resignation of any such Secretary, may appoint another in his Stead.

Lord Lieutenant may appoint a Secretary to such Board.

XV. The Secretary of the Board of Superintendence, whenever required in Writing by the Chairman or Two of the Members of such Board, and the Chairman of any such Board, may, whenever he shall see fit, convene a Meeting of such Board by a Notice in Writing to each Member of the Time and Place of such Meeting, such Notice to be delivered, left, or transmitted as aforesaid by such Secretary or Chairman Three Days at the least before the Time appointed for such Meeting.

Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting.

XVI. The Board of Superintendence shall from Time to Time prepare General Rules for the Government of all Hospitals supported wholly or in part by Moneys appropriated by Parliament, provided that such General Rules shall not be inconsistent with the Acts, Charters, or Testamentary Bequests at present regulating such Hospitals respectively, and such Board shall also prepare General Rules for the Regulation of their own Duties and Proceedings, and for the Regulation and Performance of the Duties of the Secretary, and shall submit the General Rules so prepared by them to the Lord Lieutenant for his Approval; and such Rules, when approved by him, shall be printed and observed, and such Board shall have Power, with the like Appro-

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.

Approbation, to alter and vary such Rules from Time to Time as they think necessary.

If Board Neglect to make Rules Lord Lieutenant to make General Regulations.

XVII. In case the Board of Superintendence shall neglect to make such General Rules for the Space of Three Months after being required so to do by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland* for the Time being, to make such General Rules, and from Time to Time to repeal, alter, or add to the same, and the said Rules shall be printed and observed as the General Rules for the Government of all such Hospitals.

Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament.

XVIII. The Board of Superintendence shall in every Year lay before the Lord Lieutenant a Report in Writing of the State and Condition of every Hospital in the City of *Dublin* supported in whole or in Part by Moneys appropriated by Parliament for such Purpose, and as to its Sufficiency for the Patients for whom it may be requisite to provide Accommodation, and as to the Management of such Hospital and the Conduct of the Officers and Servants thereof, and the Care of the Patients therein; and such Board may, in such Report, make such Remarks or Observations in relation to any Matters connected with such Hospital as they may think fit, and the Lord Lieutenant shall cause a Copy of such Report to be laid before both Houses of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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CAP. CXI.

An Act for confirming a Scheme of the Charity Commissioners for *Stoke Poges* Hospital in the County of *Bucks*, with certain Alterations.

[29th *July* 1856.]

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of the Lord *Hastings* of *Loughborough*, founded in *Stoke Poges* in the County of *Bucks*, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall be confirmed and take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3d Report, dated 28th Feb. 1856.

I. The Scheme set out in the Schedule to this Act shall be confirmed and take effect.

Scheme confirmed.

SCHEDULE.

SCHEME.

The corporation dissolved.

1. The existing incorporation of the hospital by the name of "The Master, Brethren, and Sisters of the Hospital of Stoke Poges, in the County of Bucks," or by any other name, shall be dissolved, and the Charity be henceforth regulated and managed according to the provisions of this scheme, all former statutes and provisions for the regulation or government thereof being repealed, and the visitatorial power of the Dean of Windsor and the Provost of Eton College, for the time being, shall absolutely cease and determine.

Appointment of trustees.

2. The Charity and its property shall be under the regulation and management of ten trustees, to be called "The Trustees of Lord Hastings' Hospital of Stoke Poges, in the County of Bucks," of whom the dean of Windsor, the provost of Eton College, and the vicar, unless he be master, and two churchwardens of the parish of Stoke Poges, for the time being, shall, by virtue of their respective offices, always be five, and shall be called the official trustees, and the five other trustees shall be persons resident within ten miles from the parish church of Stoke Poges, and shall be called the non-official trustees, and that the following persons shall be the first non-official trustees, namely, the Right Honourable Henry Labouchere, of Stoke Park, in the county of Bucks, Abraham Darby, of Stoke Court, in the same county, Esquire, Lieutenant Colonel Richard Howard Vyse, of Stoke Place, in the same county, Robert Harvey of Langley Park, in the same County, Esquire, and the Reverend John Culling Evans, of Stoke Poges, in the said county of Bucks, Clerk.

Succession of trustees.

3. The death, resignation, bankruptcy, or insolvency of any non-official trustee, or his ceasing to reside within ten miles from the parish church of Stoke Poges, or his refusal or incapacity or neglect for a period of two consecutive years to act as a trustee, shall create a vacancy of his office, and as soon as conveniently may be thereafter the remaining trustees, official and non-official, at a regular meeting of their body, shall nominate some fit person resident within ten miles from the parish church of Stoke Poges to fill such vacancy, and such nomination shall be forthwith certified to the Charity Commissioners for England and Wales for their confirmation, and being confirmed by their order shall constitute a complete appointment of such new trustee, and in the mean time the surviving or continuing trustees shall be competent to act.

Estate vested in trustees.

4. All the real estate and rights and privileges of the Charity, subject to the subsisting leases, tenancies, and charges (if any) thereof, and the full benefit of all reservations, covenants, conditions, and securities made or reserved to the said master, brethren, and sisters, and a right to recover, sue upon, and enforce the same respectively, and all the personal estate belonging to the Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall immediately become vested and shall from time to time remain vested in the trustees thereof for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance, and all contracts and liabilities of the said master, brethren, and sisters before their dissolution shall be enforceable against the trustees of the Charity for the time being to the extent of the property or assets thereof, but not against the private estates of such trustees.

5. The

Stoke Poges Hospital.

5. The hospital and all houses and buildings belonging to the Charity, which the lessees or tenants thereof shall not for the time being be bound to keep repaired and insured against fire, shall be kept in repair and insured by the trustees out of the income of the Charity.

Houses and buildings to be kept repaired and insured.

6. The trustees shall have the whole management of the Charity estates, and shall let the same, with the exception of the hospital and the buildings, gardens, and appurtenances annexed thereto, and such lands and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same; and no lease of the Charity property shall be granted in reversion after any subsisting term of which more than three years shall be unexpired, or for any life or lives, or for any longer term than twenty-one years from the date thereof, or in consideration of any fine or premium, without the authority of the Board of Charity Commissioners for England and Wales; and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the houses and buildings (if any), or for the due cultivation of the land or management of the property comprised therein, as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on nonpayment of the reserved rent or nonperformance of the covenants therein contained.

Trustees to let and manage the property.

7. Leases and other deeds and instruments for the letting or disposition of the Charity Estate executed or made by any three of the trustees for the time being, on behalf and as the act of the whole of them, according to any order of the trustees, made at a regular meeting of their body, shall be as effectual as if executed and made by all the trustees, and the recital of any such order contained in any such lease, deed, or instrument, shall be primâ facie evidence thereof upon any proceedings to which the parties to the same lease, deed, or instrument, or their respective successors in title, shall be parties or a party.

Leases and other instruments may be executed by any three of the trustees.

8. No trustee shall become a tenant or occupier of, or beneficially interested in the Charity Estate, or any part thereof, except with the approbation of the Charity Commissioners for England and Wales, and no trustee shall become master or officer of the charity: Provided always, that the vicar may be appointed master of the said hospital, but shall thereupon cease to be a trustee.

No trustee to hold charity property.

9. All stock held in trust for the Charity, or for any members or objects thereof, shall be transferred to the official trustees of Charitable Funds, by whom the dividends thereon shall be remitted from time to time to the acting trustees of the Charity upon the receipt of any one or more of them, in order to be applied upon the subsisting trusts thereof.

Stock to be transferred to official trustees.

10. The trustees, if they shall find it necessary, may from time to time appoint or employ any fit person as their clerk and receiver, but during their pleasure only, and may pay or allow to him a remuneration for his services not exceeding 10*l.* per annum.

Clerk and receiver.

11. The duties of the clerk and receiver shall be to deliver or send notices of meetings to the trustees, to attend them at their meetings, to enter minutes of their proceedings thereat, to collect and receive the rents and income, and to keep the accounts of the charity, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the charity, to make out annually

Duties of clerk and receiver.

annually detailed accounts of all receipts and payments in respect thereof, and of its assets and liabilities, or to perform all such of these duties and all such other duties in respect of the charity, as the trustees shall direct.

Notice of meetings.

12. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the post at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.

General meetings of trustees.

13. The trustees shall hold not less than two general meetings in each year for transacting the business of the Charity, namely, on the second Thursday after Lady Day and Michaelmas Day respectively, or at such other times within thirty days next after any of the said half-yearly days respectively as the trustees at any previous meeting or meetings of their body shall have appointed for that purpose. All meetings shall be held in the hospital, or in some convenient place in the parish of Stoke Poges or its vicinity, to be determined from time to time by the trustees.

Special meetings.

14. Any two or more trustees may call a special meeting, and notice in writing shall be delivered or sent as aforesaid to each trustee of the time, place, and object of such meeting, and no business shall be transacted at any special meeting not specified or sufficiently indicated in the notice.

Quorum of trustees at meetings.

15. Three trustees shall form a quorum at any meeting, and as soon after the time fixed for holding the same as a sufficient number of trustees shall be present to form a quorum they shall proceed to elect a chairman from amongst themselves, and in the event of an equality of votes on the election of chairman the choice between the persons proposed shall be determined by lot. The acts of a majority of trustees present at any meeting shall be binding on all, but may be revoked or altered by the trustees, or a majority of trustees, present at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Majority of votes to be binding.

Adjournment of meetings.

16. If after the lapse of one hour from the time appointed for holding any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees, or any one or more of them present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned by a resolution thereof.

Entries and minutes of proceedings and their operation in particular cases, as primâ facie evidence.

17. The trustees shall provide a minute book, wherein shall be entered the names of all trustees of the Charity, together with the time and manner of their respectively becoming and ceasing to be trustees, and there shall also be entered therein the names of the trustees attending each meeting, and minutes of all their acts and proceedings relating to the Charity. The minutes shall be signed by the chairman of the meeting, and shall be admitted for all purposes as primâ facie evidence of the matters recorded therein.

Accounts.

18. The trustees shall provide proper account books, wherein shall be regularly entered and kept accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct. The accounts for each year shall be made up to the same day of every year, to be appointed for that purpose by the trustees, and shall be examined, vouched, and audited at the first general meeting of the trustees to be held thereafter, and shall be signed by the chairman and, at least, one other trustee present at such meeting.

19. All

Stoke Poges Hospital.

19. All cheques and orders for the payment of money shall be signed by the chairman of a meeting of the trustees and, at least, two other trustees present thereat, and shall be countersigned by the person (if any) filling the office or discharging the duties of clerk. Cheques, &c.

20. The trustees shall provide and keep a box or safe, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, or such of them as shall not be deposited with the said Charity Commissioners for safe custody, under the provisions of "The Charitable Trusts Act, 1853," and the contents of such box or safe shall be examined by the trustees at least once in each year, and the same shall be kept locked, and the key thereof kept by such person, and subject to such regulations as the trustees shall appoint for that purpose. Custody of documents.

21. The establishment of the hospital shall consist of not less than five poor inmates, and the number of inmates shall from time to time be increased by the trustees, if and as and when the clear income of the Charity for the time being applicable to the benefit of the inmates shall be sufficient to provide the clear sum of seven shillings per week for the benefit of each of them, and other circumstances shall in the judgment of the trustees render such measure expedient. Establishment of hospital until the abolition of mastership.

22. The master shall be a clergyman of the Church of England, and the Reverend John Alexander Gower, the present master, shall continue to be the master. Each master shall hold his office subject to and in accordance with the provisions of this scheme. Master

23. The right of appointing the master upon any vacancy shall belong to the person or persons in whom the right of appointing the master of the hospital would have been legally vested derivatively from Lord Hastings of Loughborough, the founder of the Charity, if the incorporation thereof had not been dissolved. Right of appointing master.

24. The master shall read prayers from the Book of Common Prayer, by himself or his deputy approved by the trustees, in the chapel every morning to the poor brethren and sisters, subject to the provisions in that behalf herein-after contained, and shall, subject to the general direction of the trustees, have the superintendence, care, management, and control of the poor inmates of the hospital. The present master shall be entitled to the occupation and enjoyment of the residence in the hospital, now appropriated to him, with the garden and appurtenances, rent-free, except such parts of the buildings and premises as have been at any time heretofore used or enjoyed by any poor inmates of the hospital, and as the trustees shall think it expedient to re-appropriate to the same purposes, and all future masters shall be entitled to the occupation and enjoyment of the same residence and premises, or so much thereof as the trustees shall not think it expedient to appropriate to the poor inmates, or to any general purposes of the charity. Duties of master.

25. The master shall not absent himself from the hospital for any longer period than three calendar months in any year without the permission in writing of the trustees: Provided always, that if the vicar of the parish be master, his residence in the vicarage house shall be considered residence for the purposes of this Act, and he may, with the written consent of the trustees, and upon such terms as they may approve, let the house for the benefit of the trust. Power for master to let his residence, with consent of trustees.

26. The

Stoke Poges Hospital.

Removal of master.

26. The trustees, with the authority of the Charity Commissioners for England and Wales, may remove any master from his office for neglect of duty, incompetence, or other sufficient cause.

Inmates.

27. The present five poor brethren shall continue to be inmates of the hospital, subject to and in accordance with the provisions of this scheme, and all future inmates shall be nominated by the trustees, or, in case the vicar shall be master, then by the trustees and the vicar jointly.

Qualification of inmates.

28. The hospital having been originally founded for four brethren and two sisters, the same proportion between the numbers of male and female inmates shall as nearly as conveniently may be from time to time be preserved, and the inmates at the time of their appointment shall be poor impotent or disabled persons of good character, single (whether having been previously married or not), not less than fifty years of age, natives of or resident for the time being in the parish of Stoke Poges, and who shall not at any time within twelve calendar months next preceding their appointment have been in receipt of parochial relief: Provided always, that if any poor brother or sister shall intermarry with any person whomsoever, the place of him or her so marrying shall be deemed to have become vacant, as if he or she were dead.

Rooms.

29. Each inmate shall have the use and occupation of a separate room in the hospital rent-free, to be assigned to him or her by the trustees, and the use in common with the other inmates of the kitchen, scullery, and garden now used by the inmates, subject to such rules and regulations as may be prescribed from time to time by the trustees.

Inmates to reside and not to let their rooms.

30. The inmates shall respectively reside in the hospital, and shall not absent themselves therefrom without the permission of a trustee, and no inmate shall let or part with the possession of his or her room in the hospital.

Power to remove the inmates.

31. It shall be lawful to the trustees to remove any of the inmates for immorality, drunkenness, or quarrelsome behaviour, or for the breach of any of the rules or regulations contained in this scheme, or to be prescribed by the trustees by virtue hereof, or for any other cause which in the judgment of the trustees shall justify such removal.

Allowances to master and inmates.

32. The clear annual rents and income of the Charity which shall remain after providing for the expenses of management, repairs, and insurance, and other necessary outgoings, shall be divided by the trustees into so many equal parts as there are or shall be poor inmates of the hospital for the time being in addition to the master, and one of such parts shall be paid by them to the master in equal half-yearly payments, and the remainder shall be applied by them for the benefit of the inmates in equal shares, either in money payments, or in food, fuel, clothing, or other necessary articles in kind, or partly in money payments and partly in kind, at such periods and in such manner as the trustees shall consider expedient.

Power to employ medical practitioner.

33. The trustees may, if they think fit, from time to time employ a medical practitioner to give all proper medical attendance to the poor inmates, and to supply them with proper medicines and appliances in their sickness or need, and may pay to him therefor any reasonable salary or compensation out of those parts of the clear yearly income of the Charity otherwise applicable distributively for the benefit of such poor inmates.

34. Upon

Stoke Poges Hospital.

34. Upon or at any time after the first avoidance of the mastership, or with the consent in writing of the present master during the period of his holding office, the trustees shall have power, with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age, and with the approbation of the Charity Commissioners for England and Wales, to sell the present hospital buildings, and the gardens and ground annexed thereto, or any part of the premises with the appurtenances, and to apply the produce of such sale to the erection and establishment of a new hospital upon some site in the parish of Stoke Poges or its immediate vicinity, to be also bought, if necessary, out of such purchase money, for the reception of the master and poor inmates, or of such inmates solely, as the case may require, and any surplus of such purchase money shall be invested by the trustees in the purchase of real estate, with the approval of the said Charity Commissioners, when any such convenient purchase shall be found, and in the meantime in the public funds, and the rents, dividends, and income arising from such real estate or funds respectively shall be applicable as the other yearly income of the Charity. **Power to sell Charity property.**

35. This scheme shall be printed, and a copy delivered to every person who shall become a trustee or master of the Charity. **Scheme to be printed.**

36. A copy of this scheme shall be kept with the books of account and other documents belonging to the Charity, and every parishioner of Stoke Poges, and other person interested in the Charity, shall be at liberty to take copies of the scheme or any part thereof (upon making an application for that purpose to the trustees) at such times, and subject to such reasonable conditions, as may be prescribed by the trustees. **Copies of scheme may be taken.**

37. If any doubt or question shall arise amongst the trustees as to the construction or proper application of any of the provisions of this scheme, or the management of the Charity, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the trustees. **Doubts and disputes to be decided by the Charity Commissioners.**

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Other Powers of Vestries and like Meetings declared to have been transferred to Vestries under Act 18 & 19 Vict. c. 120., except Powers transferred to District Boards.

III. Save as herein-before otherwise provided, all the Duties, Powers, and Privileges (including such as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor,) which might have been performed or exercised by any open or elected or other Vestry or any such Meeting as aforesaid in any Parish, under any Local Act or otherwise, at the Time of the passing of the said Act of the last Session, shall be deemed to have become transferred to and vested in the Vestry constituted by such last-mentioned Act; except so far as any such Duties, Powers, or Privileges may in the Case of a Parish included in any District mentioned in Schedule (B.) to the said Act be vested by Section Ninety thereof in the Board of Works of such District: Provided that all Duties and Powers relating to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, which at the Time of the passing of the said Act were vested in or might be exercised by any Guardians, Governors, Trustees, or Commissioners, or any Body other than any open or elected or other Vestry, or any such Meeting as herein-before mentioned, shall continue vested in and be exercised by such Guardians, Governors, Trustees, or Commissioners or other Body as aforesaid.

Occupiers may claim to be rated.

IV. It shall be lawful for any Person occupying any Tenement within any Parish to claim to be rated to the Relief of the Poor in respect thereof in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Tenement, whether the Landlord be or be not liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office or Place of Residence of the Overseers of the Poor of the Parish, or One of them, and actually paying or tendering at such Office or Place of Residence the full Amount of the last made Rate then payable in respect of such Premises, such Overseers are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Overseers neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of the said Act, be deemed to have been rated to the said Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: Provided always, that every Person so claiming as aforesaid shall in respect of every Rate for the Relief of the Poor made after such Claim as aforesaid, while he continues to occupy the same Premises, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

Compositions not to be disturbed, and Landlord's

V. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate which, except for such Composition, would be due in respect of the same

same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Rate for the Relief of the Poor payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Liability not to be affected.

VI. Any Occupier who under this Act is rated or deemed to be rated to the Relief of the Poor in any Parish, and has been so rated or deemed to be rated for One Year next before any Election of Vestrymen or Auditors under the said Act, shall be entitled to vote in such Election, and shall for the Purposes of the said Act be deemed a Ratepayer of such Parish, and be entitled to act as such, provided all Parochial Rates, Taxes, and Assessments, save and except Church Rates, due in respect of the same Premises at the Time of his so voting or acting, except such as have been made or become due within Six Months immediately preceding such voting or acting, have been paid; but such Occupier shall not be deemed to be a Ratepayer so as to gain a Settlement where he would not have gained a Settlement if this Act had not been passed.

Right of Occupier so claiming to vote in Elections.

VII. The Provision in Section Sixteen of the said Act requiring all Parochial Rates, Taxes, and Assessments (except as therein excepted) to have been paid shall not be taken to include Church Rates.

Payment of Church Rates not necessary as a Qualification.

VIII. And whereas by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Ninety-six, "to regulate Parochial Assessments," it is required that every Rate for the Relief of the Poor shall, in addition to any other Particular which the Form of making out such Rate shall require to be set forth, contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule to that Act annexed, so far as the same can be ascertained, and in the Form in the said Schedule are Two Columns headed respectively "Gross estimated Rental" and "Rateable Value:" And whereas by the said Act of the last Session it is required that in order to qualify a Person to be elected a Vestryman or Auditor he should be rated to the Relief of the Poor upon a Rental of such Amount as therein mentioned: And whereas Doubts are entertained which of the Amounts specified in the said Two Columns is to be deemed the "Rental" for the Purposes of the last-mentioned Act:

Rental to be determined by Column headed "Rateable Value."

The Amount specified in the said Column headed "Rateable Value" shall be deemed the "Rental" for the Purposes of the last-mentioned Act.

IX. Every

Regulation of Meetings of Vestries constituted by 18 & 19 Vict. c. 120.

IX. Every Meeting of any Vestry constituted by the said Act of the last Session, of which and of the special Purpose whereof Notice is now by Law required to be affixed on or near the principal Doors of the Churches and Chapels within the Parish, may be convened by transmitting through the Post or otherwise Notice, signed by the Clerk to the Vestry, to each Vestryman, at his usual or last known Place of Abode in *England*, of the Place and Hour of holding the same, and the special Purposes thereof, Three Days before the Day appointed for such Meeting, and also by affixing at the same Time Notice thereof on or near the Door of any Building where the said Meeting is to be holden, and it shall not be necessary that Notice of any such Meeting shall be further or otherwise signed or published.

Section 144. of 18 & 19 Vict. c. 120. declared to extend to authorize Applications to Parliament for providing Parks, &c.

X. And whereas Doubts are entertained whether the Provision in Section One hundred and forty-four of the said Act of the last Session, authorizing the Metropolitan Board of Works, where it appears to them that further Powers are required for the Purpose of any Work for the Improvement of the Metropolis or public Benefit of the Inhabitants thereof, to make Applications to Parliament for that Purpose, and providing that the Expenses of such Application may be defrayed as other Expenses of the said Board, extends to authorize Applications to Parliament by such Board for Powers for providing Parks, Pleasure Grounds, Places of Recreation, and open Spaces, and it is expedient to remove such Doubts: The Powers given to the said Board to make Applications to Parliament, and the Provision for the Expenses of such Application, extend respectively to Applications to Parliament for the Purpose of providing Parks, Pleasure Grounds, Places of Recreation, and open Spaces for the Improvement of the Metropolis or the public Benefit of the Inhabitants thereof, and to the Expenses of all such Applications.

District Boards and Vestries empowered to take Ground to be maintained as an open Space or Pleasure Ground.

XI. Any District Board or Vestry may take, by Agreement or Gift, any Land or any Right or Easement in or over Land, for any Estate or Interest therein, and on such Terms and Conditions as they may think fit, for the Purpose of such Land being either kept as an open Space or being kept and maintained as a Pleasure Ground for the public Benefit of the Inhabitants of the District or Parish; but this Enactment shall not authorize any Expenditure to be defrayed by Rates, except for the Purpose of enclosing, maintaining, planting, and otherwise improving the same.

Recited Act and this Act to be as One.

XII. The said Act of the last Session and this Act shall be construed together as One Act.

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Printers to the Queen's most Excellent Majesty. 1856.

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CAP. CXIII.

An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals. [29th *July* 1856.]

WHEREAS it is expedient that Facilities be afforded for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.

I. Where, upon an Application for this Purpose, it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, of such Witness or Witnesses accordingly; and it shall

shall be lawful for the said Court or Judge, by the same Order, or for such Court or Judge or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just; and any such Order may be enforced in like Manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Certificate of Ambassador &c. sufficient Evidence in support of Application.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at London, received and admitted as such by Her Majesty, that any Matter in relation to which an Application is made under this Act is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having Jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

Examination of Witnesses to be taken upon Oath.

Persons giving false Evidence guilty of Perjury.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury.

Payment of Expenses.

IV. Provided always, That every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment for Expenses and Loss of Time as upon Attendance at a Trial.

Persons to have Right of Refusal to answer Questions and to produce Documents.

V. Provided also, That every Person examined under any Order made under this Act shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions, which a Witness in any Cause pending in the Court by which or by a Judge whereof or before the Judge by whom the Order for Examination was

was made would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

Certain Courts and Judges to have Authority under this Act.

VI. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who by any Order of Her Majesty in Council may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act: Provided, that the Lord Chancellor, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, shall frame such Rules and Orders as shall be necessary or proper for giving Effect to the Provisions of this Act, and regulating the Procedure under the same.

Lord Chancellor, &c. to frame Rules, &c.

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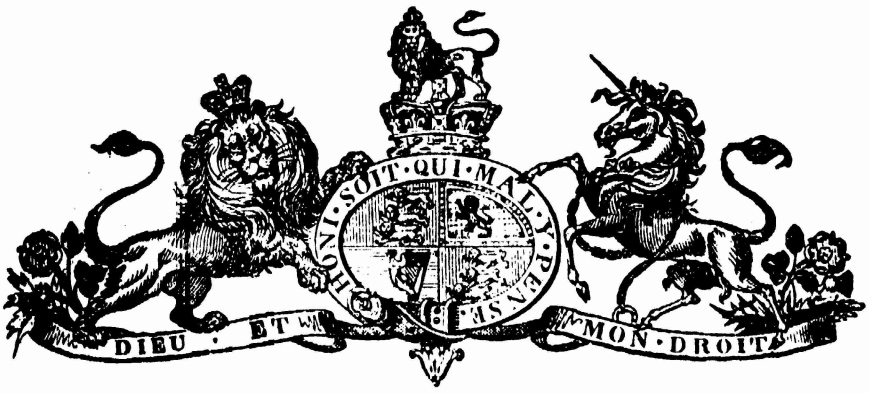

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CAP. CXIV.

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade. [29th *July* 1856.]

WHEREAS many Frauds and Abuses are committed in the Cities of *London* and *Westminster*, and other Places in the Vicinity thereof, in binding and false Packing Hay and Straw, and the Laws are insufficient for preventing the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Sand, &c. to be put in any Truss of Hay or Straw to increase its Weight.

I. No Person shall mix or put, or cause to be mixed or put, any Water, Sand, Earth, or other Matter or Thing whatsoever in any Bundle or Truss of Hay or Straw intended for Sale, within the Cities of *London* and *Westminster*, or within Thirty Miles thereof, with Intent fraudulently to increase the Weight thereof, nor sell, offer, or expose for Sale, or cause to be sold, offered, or exposed for Sale, any Hay or Straw into or with which any Water, Sand, Earth, or other Matter has been put or mixed, with such Intent as aforesaid.

Salesmen to declare the Names of the Owners of

II. Every Salesman or other Person who shall sell, in any Market or Place within the Cities and Limits aforesaid, any Hay or Straw for the

such Hay or Straw.

the Owner thereof, shall at the Time of such Sale or at the Delivery thereof deliver or cause to be delivered therewith to the Buyer thereof a Ticket or Note containing the Number of Trusses so sold, and the Christian Name, Surname, and Address of such Owner.

Clerk of the Market, upon Complaint, to weigh and examine the Hay or Straw, and if found deficient, &c. to summon Offenders before Justices.

III. Where any Hay or Straw is offered or exposed for Sale in any public Hay Market within the Cities and Limits aforesaid, if any Complaint be made to the Clerk or Toll Collector of any such Market that the same is deficient in Weight or Quantity, or has been mixed or packed contrary to the Provisions of this Act or of the Act of the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such Weighing or Examination any such Hay or Straw shall be found deficient in Weight or Quantity, or mixed with any foreign Matter, contrary to the Provisions of this Act or of the said recited Act, every such Clerk or Collector is hereby authorized and empowered to summon the Offender or Offenders before any Justice of the Peace having Jurisdiction in the District where such Market is situated, and every such Justice shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed.

Penalties.

IV. For every Offence against or Disobedience of the Provisions of this Act the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, be liable to any Penalty not exceeding Ten Pounds as shall be adjudged by such Justice.

36 G. 3. c. 88. and this Act to be construed together.

V. This Act shall be construed and taken together with the Act passed in the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

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CAP. CXV.

An Act to provide for the Retirement of the present Bishops of *London* and *Durham*.

[29th *July* 1856.]

WHEREAS it is expedient to make Provision for certain annual Sums to be paid in case of the Resignation of the Right Honourable and Right Reverend *Charles James* Lord Bishop of *London* and the Right Reverend *Edward* Lord Bishop of *Durham* respectively: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When Archbishops signify to Her Majesty that they have canonically accepted the Resignation of the Bishops of London and Durham, their Sees shall be declared vacant.

I. Whensoever it shall be represented to Her Majesty by the Lord Archbishop of *Canterbury* that he has duly and canonically accepted the Resignation of his See by the said *Charles James* Lord Bishop of *London*, or by the Lord Archbishop of *York* that he has in like Manner accepted the Resignation of the said *Edward* Lord Bishop of *Durham*, the said Sees shall respectively be deemed to be vacant, and all Rights of such present Bishops in respect of their Sees, including their Right to sit as Lords of Parliament, shall cease, and such Proceedings shall and may be had for filling up such respective Vacancies as are by Law provided in the Case of an Avoidance of a Bishopric.

II. Pro-

Bishops of London and Durham Retirement.

The Bishop of London to continue to hold during his Life the Episcopal Residence at Fulham.

II. Provided always, That it shall be lawful for the said Bishop of *London* to continue to hold during his Life the Episcopal Palace or Residence at *Fulham*, with the Grounds and Appurtenances now occupied by him therewith, but subject to the like Obligation to maintain the same, and the like Liability in respect of the Dilapidations therewith, as if he had continued Holder of his said See.

Annual Pensions to be payable to the said Bishops.

III. There shall be paid to the said Bishop of *London* an annual Pension of Six thousand Pounds during his Life, and to the said Bishop of *Durham* an annual Pension of Four thousand five hundred Pounds during his Life; and each such Pension shall commence from the Day on which the Resignation of the said Bishops shall have been accepted as aforesaid by his Metropolitan, and shall be payable by the Ecclesiastical Commissioners for *England*, out of the Common Fund of the said Commissioners, by half-yearly Payments, the First half-yearly Payment to be made on the Day on which Six Months shall have expired from the Day of the Acceptance of the Resignation; each such Pension nevertheless to grow due from Day to Day and to be subject to Apportionment accordingly at the Termination thereof.

Provisions as to Power of conferring Holy Orders by the said Bishops after their Retirement.

IV. After the said Sees of *London* and *Durham* respectively shall have become vacant as aforesaid the present Bishops of such Sees, during their Lives, in respect of the Exercise of any of their Episcopal Functions and the Persons admitted into Holy Orders by them, shall respectively be subject to the Provisions to which by Law Bishops who have exercised the Office of Bishop in Her Majesty's Colonies or Foreign Possessions, and are not Bishops of any Sees in *England* or *Ireland*, are now subject under the Act of the Fifty-ninth Year of King *George* the Third, Chapter Sixty, and the Acts of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty-two, and the Sixteenth and Seventeenth Years of Her Majesty, Chapter Forty-nine, or under any other Acts of Parliament.

New Bishops to hold the Sees subject to future Arrangements as to Limits, &c. of Diocese.

V. Every Bishop who shall succeed to the Sees and Bishopricks of *London* and *Durham* respectively shall take and hold his See and Bishoprick, and all the Property, Patronage, and Rights belonging thereto, subject to any Provisions respecting any Alteration of the Limits of the Diocese, and any Arrangements consequent thereon, which shall be made by or under the Authority of Parliament within the Space of Three Years next after the passing of this Act.

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VICTORIÆ REGINÆ.

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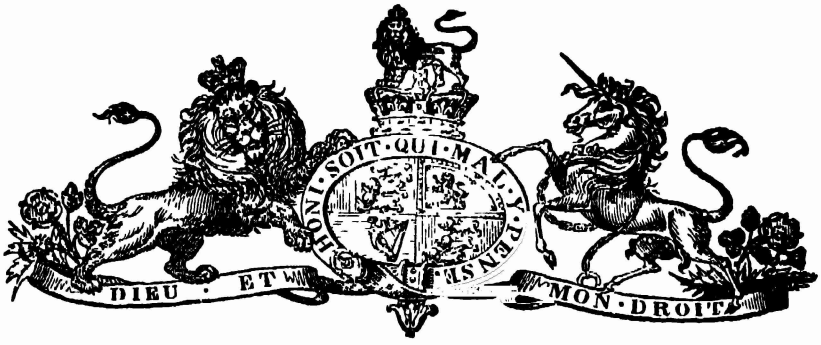

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of the Secretary of State, to assign to such General Superintendents the Superintendence of any District or Districts in *Scotland*, and also the Execution and Performance of all such Duties under the recited Act as the Board of Supervision may, with such Consent as aforesaid, think fit, and the Board may with such Consent remove such General Superintendents or either of them, and appoint another or others in his or their Stead, and there shall be paid to such General Superintendents severally such Salary as, upon the Recommendation of the Board of Supervision, the Commissioners of Her Majesty's Treasury shall from Time to Time regulate and allow, such Salary not to be less than Three nor more than Four hundred Pounds *per Annum*, and to be paid out of any Monies to be hereafter voted for that Purpose by Parliament.

Powers and Duties of General Superintendents.

II. The General Superintendents and each of them shall be entitled to execute all the Powers which are by the recited Act conferred upon the Commissioners thereby authorized or directed to be appointed.

Annual Instalments of Money borrowed under recited Act need not exceed One Thirtieth of Sum borrowed.

III. And whereas by the Sixty-second Section of the said recited Act it is provided, that any Loan of Money borrowed for the Purposes therein mentioned shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of Interest on the same: Be it enacted, That after the passing of this Act such annual Instalments shall not of Necessity exceed One Thirtieth of the Sum so borrowed, exclusive of the said Interest.

This and recited Act to be construed as One.

IV. This Act and the recited Act shall, as far as is necessary for the Purposes of this Act, be construed as One Act.

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Provision as to Fees, &c. payable to certain Persons herein named.

Assize); and all Fees and Emoluments heretofore payable to them for the Performance of their Duties as Clerks of the Crown shall be and they are hereby abolished; and all the Powers given and Provisions made by the Twentieth Section of the said Act for the Payment of Clerks of Assize by Salary in lieu of Fees, in respect of their Duties as Clerks of the Crown, shall be and the same are hereby extended and made applicable to the Payment by Salary in lieu of Fees and Emoluments of the Clerks of the Crown in the Counties Palatine of *Lancaster* and *Durham*, as well as to the Payment of the Expenses of their respective Offices.

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Law Guardians, or be transmitted to the Clerk of such Guardians.

intended Marriage shall be read or published before the Guardians of any Poor Law Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c.

II. In case any Party shall intend Marriage, under the Provisions of any of the said recited Acts or of this Act, the Party so intending Marriage shall, at the Time of giving to the Superintendent Registrar or respective Superintendent Registrars, as the Case may be, the Notice required by the said recited Acts or either of them, make and sign or subscribe a solemn Declaration in Writing, in the Body or at the Foot of such Notice, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that the Parties to the said Marriage, in case the Marriage is intended to be had without Licence, have, for the Space of Seven Days immediately preceding the giving of such Notice, had their usual Place of Abode and Residence within the District of the Superintendent Registrar or respective Superintendent Registrars to whom such Notice or Notices, as the Case may be, shall be so given; or, in case such Marriage is intended to be had by Licence, that One of the said Parties hath for the Space of Fifteen Days immediately preceding the giving of such Notice had his or her usual Place of Abode and Residence within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed, by the Party making the same, in the Presence of the Superintendent Registrar to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Births and Deaths or of Marriages for the District in which the Party giving such Notice resides, or of the Deputy of such Registrar, who shall respectively attest the same by adding thereto his Name, Description, and Place of Abode; and no Certificate or Licence for Marriage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied by such solemn Declaration duly made and signed or subscribed and attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration, or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of any of the said recited Acts or this Act, shall suffer the Penalties of Perjury.

Persons making wilfully false Declarations to suffer the Penalties of Perjury.

III. Every

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts or of this Act, after this Act shall have come into operation, shall be in the Form of Schedule (A.) to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, such Notice shall, in addition to the several Particulars comprised in the said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act; and the Superintendent Registrar to whom any such Notice of Marriage shall be so given shall forthwith enter the Particulars, and the Date thereof, and the Name of the Party giving the same, into the Marriage Notice Book; and for every such Entry the Superintendent Registrar shall be entitled to have a Fee of One Shilling.

Form of Notice of Marriage.

IV. In case any Party shall intend Marriage without Licence under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrar to whom Notice of such intended Marriage has been given shall cause the Notice of Marriage, or a true and exact Copy thereof, as entered in the Marriage Notice Book, under the Hand of such Superintendent Registrar, to be suspended or affixed in some conspicuous Place in the Office of the said Superintendent Registrar during Twenty-one successive Days next after the Day of the Entry of such Notice in his "Marriage Notice Book," before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of Twenty-one Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Superintendent Registrar shall issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the Authority of the said Certificate; and every Superintendent Registrar's Certificate for

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.

for Marriage duly issued under the Provisions of this Act shall have the same Force, Validity, and Effect as the like Certificate issued under the Provisions of the said recited Acts or either of them would have had in case this Act had not been passed.

Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar.

V. In case any Party shall intend Marriage by Licence under the Provisions of any of the said recited Acts or of this Act, Notice of such intended Marriage shall not be suspended in the Office of the Superintendent Registrar, but the Party giving the same shall state therein that such Marriage is intended to be celebrated by Licence.

In case of Marriage by Licence, Notice to be given to the Superintendent Registrar of One District shall be sufficient.

VI. In any Case of Marriage intended to be solemnized by Licence, under the Provisions of either of the said Two firstly recited Acts or of this Act, between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superintendent Registrar, but a Notice to the Superintendent Registrar of the District in which one of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the District in which the Notice is given has so resided.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there.

VII. In every Case in which one of the Parties intending Marriage without Licence, under the Provisions of any of the said recited Acts or of this Act, shall dwell in *Ireland*, the Party so dwelling in *Ireland* shall give Notice in the Form there used in that Behalf or to the like Effect to the Registrar of the District in *Ireland* within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession and Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized, provided that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month it may be stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled *An Act for Marriages in* Ireland, *and for registering such Marriages*, as amended by another Act passed

passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled *An Act to amend the Act for Marriages in* Ireland, *and for registering such Marriages*, provided that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in *England* would be under any or either of the said Three firstly herein-before recited Acts, if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in *England*; and where Marriages have since the passing of the said Act for Marriages in *Ireland*, and for registering such Marriages, been solemnized in *England* between Parties, one of whom was resident in *Ireland*, under Certificates, of which one was the Certificate of the Registrar of the District in *Ireland* within which one of the Parties had dwelt for not less than Seven Days, and the other the Certificate of the Superintendent Registrar of the District in *England* within which the other Party had dwelt for not less than Seven Days, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than Seven Days in the respective Districts of Two Superintendent Registrars in *England*, and like Certificates had been issued by both such Superintendent Registrars.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.

VIII. In every Case in which one of the Parties intending Marriage without Licence, under the Provisions of any of the said recited Acts or this Act, shall dwell in *Scotland*, a Certificate of Proclamation of Banns in *Scotland* under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in *England* would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

In Cases of Marriage by Licence, Certificate

IX. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after the Expiration of One whole Day next after the Day of the

of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in the said Schedule (B.) to this Act annexed, and also a Licence to marry, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the Authority of the said Licence; and every Superintendent Registrar's Certificate and Licence for Marriage duly issued under the Provisions of this Act shall have the same Force, Validity, and Effect as the like Certificate and Licence issued under the Provisions of the said recited Acts or either of them would have had in case this Act had not been passed.

Form of Licence for Marriage.

X. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties, by the Superintendent Registrar of any District as aforesaid, shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Ten Shillings, over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of solemnizing Marriages in registered Buildings.

XI. No such Marriage as aforesaid shall be solemnized in any such registered Building without the Consent of the Minister or of One of the Trustees, Owners, Deacons, or Managers thereof, nor in any registered Building of the Church of *Rome* without the Consent of the Officiating Minister thereof, nor in any Church or Chapel of the United Church of *England* and *Ireland* without the Consent of the Minister thereof, nor in such latter Case by any other than a duly qualified Clergyman of the said United Church, or with any other Forms or Ceremonies than those of the said United Church, any Statute or Statutes to the contrary notwithstanding.

Persons desirous may add the

XII. If the Parties to any Marriage contracted at the Registry Office of any District conformably to the said recited Acts or any of

of them, or to the Provisions of this Act, shall desire to add the Religious Ceremony ordained or used by the Church or Persuasion of which such Parties shall be Members to the Marriage so contracted, it shall be competent for them to present themselves for that Purpose to a Clergyman or Minister of the Church or Persuasion of which such Parties shall be Members, having given Notice to such Clergyman or Minister of their Intention so to do; and such Clergyman or Minister, upon the Production of their Certificate of Marriage before the Superintendent Registrar, and upon the Payment of the customary Fees (if any), may, if he shall see fit, in the Church or Chapel whereof he is the regular Minister, by himself or by some Minister nominated by him, read or celebrate the Marriage Service of the Persuasion to which such Minister shall belong: Provided always, that no Minister of Religion who is not in Holy Orders of the United Church of *England* and *Ireland* shall under the Provisions of this Act officiate in any Church or Chapel of the United Church of *England* and *Ireland*; but nothing in the Reading or Celebration of such Service shall be held to supersede or invalidate any Marriage so previously contracted, nor shall such Reading or Celebration be entered as a Marriage among the Marriages in the Parish Register: Provided also, that at no Marriage solemnized at the Registry Office of any District shall any Religious Service be used at such Registry Office.

Religious Ceremony ordained by the Church.

XIII. When any Marriage is intended to be solemnized between Parties not of the Society of Friends commonly called Quakers, or not professing the Jewish Religion, by Licence under the Provisions of the before-recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be solemnized is situated.

Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides.

XIV. When any Marriage is intended to be solemnized, under the Provisions of any of the before-recited Acts or of this Act, in the usual Place of Worship of the Parties so intending Marriage, or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, it shall be lawful for the Superintendent Registrar or respective Superintendent Registrars

Superintendent Registrar may grant Licence for Marriage to be solemnized in registered

Building out of the District wherein the Parties reside.

Registrars to whom Notice of such Marriage shall have been given to grant to the Party applying for the same a Licence or Certificate, as the Case may be, for such Marriage to be solemnized in the registered Building stated in such Notice, provided such Building be situated not more than Two Miles beyond the Limits of the District in which the Notice of such Marriage has been given, and the Party giving Notice of such Marriage shall at the Time of giving the same state therein, in addition to the Description of the Building in which the Marriage is to be solemnized, that it is the usual Place of Worship of One of the Parties, and shall also state the Name of the Party whose usual Place of Worship it is: and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual, to all Intents and Purposes, as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be solemnized is situated.

Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General.

XV. The Registrar General shall have Power and he is hereby authorized from Time to Time to appoint, by Writing under his Hand, such Person or Persons as he may think fit, with such Qualifications as the said Registrar General by any General Rule shall have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar; and every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars, for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act, shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar of Marriages may appoint a Deputy.

XVI. Every Registrar of Marriages, already appointed or hereafter to be appointed, shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, in case of the Illness or unavoidable Absence of such Registrar; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar

Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages.

XVII. After any Marriage shall have been solemnized, under the Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual dwelling or of the Period of dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage to be that of his or her Residence, or of the Consent to any Marriage having been given by any Person whose Consent thereto is required by Law, or that the registered Building in which any Marriage may have been solemnized had been certified according to Law as a Place of Religious Worship, or that such Building was the usual Place of Worship of either of the Parties, nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; and all Marriages which heretofore have been or which hereafter may be had or solemnized, under the Authority of any of the said recited Acts or of this Act, in any Building or Place of Worship which has been registered pursuant to the Provisions of the said Act passed in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Eighty-five, but which may not have been certified as required by Law, shall be as valid in all respects as if such Place of Worship had been so certified.

Penalty on making false Declaration, or giving false Notices.

XVIII. Any Person who shall knowingly or wilfully make any false Declaration or sign any false Notice required by this Act for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Certificate for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

In case of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

XIX. If any valid Marriage shall be had, under the Provisions of any of the said recited Acts or this Act, by means of any wilfully false Declaration, Notice, or Certificate made or obtained by either Party to such Marriage as to any Matter in which a solemn Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property accruing

accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of *England* in the Statute passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-six.

Nothing to alter, &c. Provisions of existing Acts, except where at variance with this Act.

XX. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect, any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed; and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith; provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies any Obligations beyond such as are enacted in either of the said recited Acts.

Marriages of Quakers or Jews may be solemnized by Licence.

XXI. Any Marriage according to the Usages of the Society of Friends commonly called Quakers, or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the Form or to the Effect set forth in the said Schedule (C.) to this Act annexed,) as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by the said recited Acts or any of them; and the Provisions in this present Act contained in relation to the solemn Declaration to be made by the Party intending Marriage, and to the Statement to be contained in the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (B.) to this Act annexed, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according

according to the Usages of the said Society or to the Usages of Persons professing the Jewish Religion respectively.

Registrar General to furnish Marriage Register Books and Forms to each certified Secretary of a Synagogue of British Jews.

XXII. The Registrar General shall furnish or cause to be furnished to the Person whom Twenty Householders professing the Jewish Religion, and being Members of the *West London* Synagogue of *British* Jews, shall certify in Writing under their Hands to the Registrar General to be the Secretary of the *West London* Synagogue of *British* Jews, and also to every Person whom such Secretary shall in like Manner certify to be the Secretary of some other Synagogue of not less than Twenty Householders professing the Jewish Religion, and being in connexion with the *West London* Synagogue, and having been established for not less than One Year, a sufficient Number in duplicate of Marriage Register Books and Forms for certified Copies thereof; and every Secretary of a Synagogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the Registration of Marriages between Persons professing the Jewish Religion as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Eighty-six, intituled *An Act for registering Births, Deaths, and Marriages in* England, are to be performed by the Secretary of a Synagogue to whom Marriage Register Books and Forms for certified Copies thereof have been or shall be furnished under that Act.

Marriages under this Act good and cognizable.

XXIII. Every Marriage solemnized under any of the said recited Acts or of this Act shall be good and cognizable in like Manner as Marriages before the passing of the first-recited Act according to the Rites of the Church of *England*.

Recites the Act of 15 & 16 Vict. c. 36.

XXIV. And whereas, in pursuance of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, intituled *An Act to amend the Law relating to the certifying and registering Places of Religious Worship of Protestant Dissenters*, the Registrars of the several Dioceses and Archdeaconries, and the Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, and Boroughs in *England* and *Wales*, did, in the Year One thousand eight hundred and fifty-two, make and transmit, as thereby required, to the Registrar General of Births, Deaths, and Marriages in *England*, duly verified Returns of all Places within the Limits of their respective Jurisdictions which previous to and up to the Time of the passing of the last-mentioned Act had been certified according to Law and registered or recorded as Places of Meeting for Religious Worship: And whereas the total Number of such Places of Meeting so returned to the said Registrar General pursuant

pursuant to the Provisions of the said Act is Fifty-four thousand eight hundred and four, and it is expedient that, for facilitating the Proof of such Places having been duly certified and registered or recorded as aforesaid, the Registrar General should be empowered by Law to allow Searches to be made in the said Returns, and to give certified Copies thereof and Extracts therefrom: Be it further enacted as follows:

Registrar General to allow Searches to be made, and give Extracts from the Returns of certified Places of Worship made to him thereto, on Payment of specified Fees.

The Registrar General, on Payment to him of the several Fees herein-after mentioned, shall allow Searches to be made in the Returns so made to him as aforesaid, and shall give to any Person demanding the same a certified Copy thereof or Extract therefrom with respect to any Place of Meeting for Religious Worship contained therein; and every such certified Copy or Extract shall be sealed or stamped with the Seal of the General Register Office, and when so sealed or stamped as aforesaid, if tendered in Evidence upon any Trial or other judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the Place of Meeting therein mentioned or described having been at the Time in that Behalf therein stated duly certified and registered or recorded as by Law required, without any further or other Proof of the same; and the Registrar General shall be entitled to demand and receive for every Search in the said Returns extending over a Period of not more than Ten Years the Sum of One Shilling, and for every additional Period of Ten Years the Sum of Sixpence, and the further Sum of Two Shillings and Sixpence for every single certified Copy or Extract.

Act not to extend to Ireland or Scotland.

XXV. Save as herein expressly provided, this Act shall not extend to *Ireland* or *Scotland*.

Commencement of Act.

XXVI. This Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty-seven, and none of the Provisions thereof shall take effect previous to that Day.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Form of Notice of Marriage.

To the Superintendent Registrar of the District of *Hendon* in the County of *Middlesex*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *without* [*or* by, *as the Case may be*,] Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
James Smith	*Widower*	*Ironmonger*	*Twenty-five Years*	16, *High-St., Hendon, Middlesex.*	*Seven or Fifteen Days, as the Case may be. More than a Month.*	*Sion Chapel, West Street, Tunbridge, Kent.*	*Hendon, Middlesex.*
Martha Green	*Spinster*		*Nineteen Years.*	*Grove Farm, Tunbridge, Kent.*			*Tunbridge, Kent.*

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *I*, the above-named *James Smith*, *have* for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *my* usual Place of Abode and Residence

[*If the Marriage is intended to be had in a Church or Chapel of the Church of England insert in this Space the following Words*, "in the Parish of ," *or* "in the Ecclesiastical District of ," (*as the Case may be*,) *and add the Name of the Parish or Ecclesiastical District in which One of the Parties resides*] within the above-mentioned District of *Hendon*.

[And I further declare, That I am not a Minor under the Age of Twenty-one Years, and that the other Party herein named and described is not a Minor under the Age of Twenty-one Years. (*If One or both of the Parties be under Age these Words must be expunged.*)] (*Or*,

(*Or, as the Case may be,*)

And I further declare, That *she* [*or* I] the said *Martha Green*, not being a *Widow* [*or* Widower], *is* [*or* am] a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* [*or* my] Marriage is required by Law, has been duly given and obtained thereto [*or* "that there is no Person whose Consent to *her* [*or* my] Marriage is by Law required" (*as the Case may be*)].

And I make the foregoing Declarations solemnly and deliberately, conscientiously believing the same to be true, pursuant to the Provisions of an Act passed in the Year of Her Majesty Queen Victoria, Chapter intituled "An Act to "amend the Provisions of the Marriage and Registration Acts," well knowing that every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of the said Act above mentioned, or any of the several Acts therein recited, shall suffer the Penalties of Perjury. In witness whereof I have hereunto set and subscribed my Hand, this *Fifth* Day of *January 1858*.

James Smith.

Signed and declared by the above-named *James Smith* in the Presence of }

[*Here let the Witness attest the Signature of the Party giving the Notice according to One or other of the following "Examples":—*]

Example.	Name of Witness.	Description.	Place of Abode.
1	*John Cox* - -	*Superintendent Registrar of Hendon District* [*or Deputy Superintendent Registrar of Hendon District*].	*Hendon, Middlesex.*
2	*Peter Green* - -	*Registrar of Marriages for the Hendon District.*	*Hendon, Middlesex.*

SCHE-

SCHEDULE (B.)

Form of Superintendent Registrar's Certificate.

I, *John Cox*, Superintendent Registrar of the District of *Hendon* in the County of *Middlesex*, do hereby certify, That on the *Fifth* Day of *January 1857* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties herein-after named and described, and of such Marriage being intended to be solemnized *without* [*or* by, *as the Case may be*,] Licence, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
James Smith	*Widower*	*Ironmonger*	*Twenty-five Years.*	16, *High-st., Hendon, Middlesex.*	*Fifteen Days.*	*Sion Chapel, West Street, Tunbridge, Kent.*	*Hendon, Middlesex.*
Martha Green	*Spinster*		*Nineteen Years.*	*Grove Farm, Tunbridge, Kent.*	*More than a Month.*		*Tunbridge, Kent.*

Date of Entry of Notice, 5th January 1857.
Date of Certificate given, 27th January 1857.

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand, this *Twenty-seventh* Day of *January 1857*.

(Signed) *John Cox*,
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized within Three Calendar Months after the Date of the Entry of Notice, namely, on or before the *Fifth* Day of *April 1857*.

SCHE-

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage.

To *A.B.* of in the County of and *C.D.* of in the County of

I, the undersigned Superintendent Registrar of the District of in the County of send Greeting:

WHEREAS in pursuance of some or one of the Statutes next hereinafter mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the Year of Her said Majesty, Chapter ; One of you did on the Day of give due Notice of your Intention to enter into a Contract of Marriage, and you are desirous that such Marriage should be speedily performed at in the District of : And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you: And whereas no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage has been shown to exist: And whereas the Certificate required by Law has been duly issued by me: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you the aforesaid *A.B.* and *C.D.* full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at in the said District at any Time within but not after the Expiration of Three Calendar Months next following the Day of

Witness my Hand this Day of

E.F.,
Superintendent Registrar of the above-mentioned District.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

CAP. CXX.

An Act to facilitate Leases and Sales of Settled Estates. [29th *July* 1856.]

WHEREAS it is expedient that the Court of Chancery should have Power in certain Cases to authorize Leases and Sales of Settled Estates where it shall deem that such Leases or Sales would be proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement; and it is also expedient that Persons in possession of Land for certain limited Interests should have Power to grant Agricultural or Occupation Leases thereof, at Rackrent, for a reasonable Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Word "Settlement," as used in this Act, shall signify any Act of Parliament, Deed, Agreement, Copy of Court Roll, Will, or other Instrument, or any Number of such Instruments, under or by virtue of which any Hereditaments of any Tenure or any Estates or Interests in any such Hereditaments stand limited to or in trust for any Persons, by way of Succession, including any such Instruments affecting

Interpretation of certain Terms.

affecting the Estates of any One or more of such Persons exclusively; and the Term "Settled Estates," as used in this Act, shall signify all Hereditaments of any Tenure and all Estates or Interests in any such Hereditaments which are the Subject of a Settlement; and for the Purposes of this Act a Tenant in Tail after Possibility of Issue extinct shall be deemed to be a Tenant for Life.

Power to Court of Chancery to authorize Leases of Settled Estates, subject to certain Conditions.

II. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, to authorize Leases of any Settled Estates, or of any Rights or Privileges over or affecting any Settled Estates, for any Purpose whatsoever, whether involving Waste or not, provided the following Conditions be observed:

First, every such Lease shall be made to take effect in possession at or within One Year next after the making thereof, and shall be for a Term of Years not exceeding for an Agricultural or Occupation Lease Twenty-one Years, for a Mining Lease, or a Lease of Water, Water Mills, Wayleaves, Waterleaves, or other Rights or Easements, Forty Years, and for a Building Lease Ninety-nine Years, or where the Court shall be satisfied that it is the usual Custom of the District and beneficial to the Inheritance to grant Building Leases for longer Terms, then for such Term as the Court shall direct:

Secondly, on every such Lease shall be reserved the best Rent, or Reservation in the Nature of Rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener, without taking any Fine or other Benefit in the Nature of a Fine:

Thirdly, where the Lease is of any Earth, Coal, Stone, or Mineral, a certain Portion of the whole Rent or Payment reserved shall be from Time to Time set aside and invested as herein-after mentioned; namely, when and so long as the Person for the Time being entitled to the Receipt of such Rent is a Person who by reason of his Estate, or by virtue of any Declaration in the Settlement, is entitled to work such Earth, Coal, Stone, or Mineral for his own Benefit, One Fourth Part of such Rent, and otherwise Three Fourth Parts thereof; and in every such Lease sufficient Provision shall be made to ensure such Application of the aforesaid Portion of the Rent, by the Appointment of Trustees or otherwise, as the Court shall deem expedient:

Fourthly, no such Lease shall authorize the felling of any Trees, except so far as shall be necessary for the Purpose of clearing the Ground

Ground for any Buildings, Excavations, or other Works authorized by the Lease:

Fifthly, every such Lease shall be by Deed, and the Lessee shall execute a Counterpart thereof; and every such Lease shall contain a Condition for Re-entry on Nonpayment of the Rent for a Period not less than Twenty-eight Days after it becomes due.

Leases may contain special Covenants.

III. Subject and in addition to the Conditions herein-before mentioned, every such Lease shall contain such Covenants, Conditions, and Stipulations as the Court shall deem expedient with reference to the special Circumstances of the Demise.

Parts of Settled Estates may be leased.

IV. The Power to authorize Leases conferred by this Act shall extend to authorize Leases either of the whole or any Parts of the Settled Estates, and may be exercised from Time to Time.

Leases may be surrendered and renewed.

V. Any Leases granted under this Act may be surrendered, either for the Purpose of obtaining a Renewal of the same or not; and the Power to authorize Leases conferred by this Act shall extend to authorize new Leases of the whole or any Part of the Hereditaments comprised in any surrendered Lease.

Power to authorize Leases to extend to preliminary Contracts.

VI. The Power to authorize Leases conferred by this Act shall extend to authorize preliminary Contracts to grant any such Leases; and any of the Terms of such Contracts may be varied in the Leases.

Mode in which Leases may be authorized.

VII. The Power to authorize Leases conferred by this Act may be exercised by the Court, either by approving of particular Leases, or by ordering that Powers of leasing, in conformity with the Provisions of this Act, shall be vested in Trustees in manner hereinafter mentioned.

What Evidence to be produced on an Application to authorize Leases.

VIII. When Application is made to the Court, either to approve of a particular Lease, or to vest any Powers of leasing in Trustees, the Court shall require the Applicant to produce such Evidence as it shall deem sufficient to enable it to ascertain the Nature, Value, and Circumstances of the Estate, and the Terms and Conditions on which Leases thereof ought to be authorized.

After Approval of a Lease, Court to direct who shall be the Lessor.

IX. When a particular Lease or Contract for a Lease has been approved by the Court, the Court shall direct what Person or Persons shall execute the same as Lessor; and the Lease or Contract executed by such Person or Persons shall take effect in all respects as if

if he or they was or were at the Time of the Execution thereof absolutely entitled to the whole Estate or Interest which is bound by the Settlement, and had immediately afterwards settled the same according to the Settlement, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct.

Powers of leasing may be vested in Trustees.

X. Where the Court shall deem it expedient that any general Powers of leasing any Settled Estates conformably to this Act should be vested in Trustees, it may by Order vest any such Power accordingly, either in the existing Trustees of the Settlement or in any other Persons; and such Powers, when exercised by such Trustees, shall take effect in all respects as if the Power so vested in them had been originally contained in the Settlement, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct; and in every such Case the Court, if it shall think fit, may impose any Conditions as to Consents or otherwise on the Exercise of such Power, and the Court may also authorize the Insertion of Provisions for the Appointment of new Trustees from Time to Time for the Purpose of exercising such Powers of leasing as aforesaid.

Court may authorize Sales of Settled Estates, and of Timber.

XI. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, from Time to Time to authorize a Sale of the whole or any Parts of any Settled Estates or of any Timber (not being ornamental Timber) growing on any Settled Estates; and every such Sale shall be conducted and confirmed in the same Manner as by the Rules and Practice of the Court for the Time being is or shall be required in the Sale of Lands sold under a Decree of the Court.

Consideration for Land sold for Building may be a Fee-farm Rent.

XII. When any Land is sold for Building Purposes it shall be lawful for the Court, if it shall see fit, to allow the whole or any Part of the Consideration to be a Rent issuing out of such Land, which may be secured and settled in such Manner as the Court shall approve.

Minerals, &c. may be excepted from Sales.

XIII. On any Sale of Land any Earth, Coal, Stone, or Mineral may be excepted, and any Rights or Privileges may be reserved, and the Purchaser may be required to enter into any Covenants, or submit to any Restrictions, which the Court may deem advisable.

XIV. It

XIV. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, from Time to Time to direct that any Part of any Settled Estates be laid out for Streets, Roads, Paths, Squares, Gardens, or other open Spaces, Sewers, Drains, or Watercourses, either to be dedicated to the Public or not; and the Court may direct that the Parts so laid out shall remain vested in the Trustees of the Settlement, or be conveyed to and vested in any other Trustees, upon such Trusts for securing the continued Appropriation thereof to the Purposes aforesaid in all respects, and with such Provisions for the Appointment of new Trustees when required, as by the Court shall be deemed advisable.

Court may authorize Dedication of Parts of Settled Estates for Roads, &c.

XV. On every Sale or Dedication to be effected as herein-before mentioned the Court may direct what Person or Persons shall execute the Deed of Conveyance; and the Deed executed by such Person or Persons shall take effect as if the Settlement had contained a Power enabling such Person or Persons to effect such Sale or Dedication, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct.

How Sales and Dedications are to be effected under the Direction of the Court.

XVI. Any Person entitled to the Possession or to the Receipt of the Rents and Profits of any Settled Estates for a Term of Years determinable on his Death, or for an Estate for Life or any greater Estate, may apply to the Court, by Petition in a summary Way, to exercise the Powers conferred by this Act.

Application by Petition to exercise Powers conferred by this Act.

XVII. Subject to the Exception contained in the next Section, every Application to the Court must be made with the Concurrence or Consent of the following Parties; namely,

With whose Consent such Application to be made.

Where there is a Tenant in Tail under the Settlement in existence, and of full Age, then the Parties to concur or consent shall be such Tenant in Tail, or if there is more than One such Tenant in Tail then the first of such Tenants in Tail, and all Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement prior to the Estate of such Tenant in Tail, and all Trustees having any Estate or Interest on behalf of any unborn Child prior to the Estate of such Tenant in Tail;

And in every other Case the Parties to concur or consent shall be all the Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement, and also all Trustees having any Estate or Interest on behalf of any unborn Child.

Petition may be granted without Consent, saving Rights of non-consenting Parties.

XVIII. Provided nevertheless, That unless there shall be a Person entitled to an Estate of Inheritance whose Consent or Concurrence shall have been refused or cannot be obtained, it shall be lawful for the Court, if it shall think fit, to give effect to any Petition, subject to and so as not to affect the Rights, Estate, or Interest of any Person whose Consent or Concurrence has been refused or cannot be obtained, or whose Rights, Estate, or Interest ought in the Opinion of the Court to be excepted.

Notice of Application to be served on all Trustees, &c.

XIX. Notice of any Application to the Court under this Act shall be served on all Trustees who are seised or possessed of any Estate in trust for any Person whose Consent or Concurrence to or in the Application is hereby required, and on any other Parties who in the Opinion of the Court ought to be so served, unless the Court shall think fit to dispense with such Notice.

Notice of Application to be given in News-papers.

XX. Notice of any Application to the Court under this Act shall be inserted in such Newspapers as the Court shall direct, and any Person or Body Corporate, whether interested in the Estate or not, may apply to the Court of Chancery by Motion for Leave to be heard in opposition to or in support of any Application which may be made to the Court under this Act; and the Court is hereby authorized to permit such Person or Corporation to appear and be heard in opposition to or support of any such Application, on such Terms as to Costs or otherwise, and in such Manner, as it shall think fit.

No Application under this Act to be granted where a similar Application has been rejected by Parliament.

XXI. The Court shall not be at liberty to grant any Application under this Act in any Case where the Applicant, or any Party entitled, has previously applied to either House of Parliament for a Private Act to effect the same or a similar Object, and such Application has been rejected on its Merits, or reported against by the Judges to whom the Bill may have been referred.

Notice of the Exercise of Powers to be given by the Court.

XXII. The Court shall direct that some sufficient Notice of any Exercise of any of the Powers conferred on it by this Act shall be placed on the Settlement or on any Copies thereof, or otherwise recorded in any way it may think proper, in all Cases where it shall appear to the Court to be practicable and expedient, for preventing Fraud or Mistake.

Court may appoint Trustees to receive and apply Monies arising from Sales.

XXIII. All Money to be received on any Sale effected under the Authority of this Act, or to be set aside out of the Rent or Payments reserved on any Lease of Earth, Coal, Stone, or Minerals as aforesaid, may, if the Court shall think fit, be paid to any Trustees of whom it shall approve, or otherwise the same shall be paid into the Bank of *England*

England or *Ireland*, as the Case may be, to the Account of the Accountant General of the Court of Chancery, *ex parte* the Applicant in the Matter of this Act, and in either Case such Money shall be applied as the Court shall from Time to Time direct to some One or more of the following Purposes; (namely,)

The Purchase or Redemption of the Land Tax, or the Discharge or Redemption of any Incumbrance affecting the Hereditaments in respect of which such Money was paid, or affecting any other Hereditaments subject to the same Uses or Trusts; or

The Purchase of other Hereditaments to be settled in the same Manner as the Hereditaments in respect of which the Money was paid; or

The Payment to any Person becoming absolutely entitled.

Trustees may apply Monies, in certain Cases, without Application to Court.

XXIV. The Application of the Money in manner aforesaid may, if the Court shall so direct, be made by the Trustees (if any) without any Application to the Court, or otherwise upon an Order of the Court upon the Petition of the Person who would be entitled to the Possession or the Receipt of the Rents and Profits of the Land if the Money had been invested in the Purchase of Land.

Until Money can be applied, to be invested, and Dividends to be paid to Parties entitled.

XXV. Until the Money can be applied as aforesaid, the same shall be from Time to Time invested in Exchequer Bills, or in Three *per Centum* Consolidated Bank Annuities, as the Court shall think fit; and the Interest and Dividends of such Exchequer Bills or Bank Annuities shall be paid to the Person who would have been entitled to the Rents and Profits of the Land if the Money had been invested in the Purchase of Land.

Court may exercise Powers repeatedly; but may not exercise them if expressly negatived.

XXVI. The Court shall be at liberty to exercise any of the Powers conferred on it by this Act, whether the Court shall have already exercised any of the Powers conferred by this Act in respect of the same Property, or not; but no such Powers shall be exercised if an express Declaration or manifest Intention that they shall not be exercised is contained in the Settlement, or may reasonably be inferred therefrom, or from extrinsic Circumstances or Evidence: Provided always, that the Circumstance of the Settlement containing Powers to effect similar Purposes shall not preclude the Court from exercising any of the Powers conferred by this Act, if it shall think that the Powers contained in the Settlement ought to be extended.

Court not to authorize any Act which could not have been authorized by the Settlor.

XXVII. Nothing in this Act shall be construed to empower the Court to authorize any Lease, Sale, or other Act beyond the Extent to which in the Opinion of the Court the same might have been authorized in and by the Settlement by the Settlor or Settlors.

XXVIII. After

Acts of the Court in professed pursuance of this Act, not to be invalidated.

XXVIII. After the Completion of any Lease or Sale, or other Act, under the Authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the Ground that the Court was not hereby empowered to authorize the same; except that no such Lease, Sale, or other Act shall have any Effect against any Person whose Concurrence in or Consent to the Application ought to have been obtained, and was not obtained.

Costs.

XXIX. It shall be lawful for the Court, if it shall think fit, to order that all or any Costs or Expenses of all or any Parties of and incident to any Application under this Act shall be a Charge on the Hereditaments which are the Subject of the Application, or on any other Hereditaments included in the same Settlement, and subject to the same Limitations; and the Court may also direct that such Costs and Expenses shall be raised by Sale or Mortgage of a sufficient Part of such Hereditaments, or out of the Rents or Profits thereof, such Costs and Expenses to be taxed as the Court shall direct.

Power to Lord Chancellor, &c. to make Rules and Orders.

XXX. The Lord Chancellor of *Great Britain*, with the Advice and Assistance of the *English* Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, so far as relates to Proceedings in *England*, and the Lord Chancellor of *Ireland*, with the Advice and Assistance of the *Irish* Master of the Rolls and of the Lord Justice of the Court of Appeal in Chancery in *Ireland*, or of any Two of them, so far as relates to Proceedings in *Ireland*, may, if he shall think fit, from Time to Time make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers and Solicitors of the Court in respect to such Matters; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Rules and Orders to be laid before Parliament.

XXXI. All General Rules and Orders made as aforesaid shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either of the Houses of Parliament, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

XXXII. It

XXXII. It shall be lawful for any Person entitled to the Possession or to the Receipt of the Rents and Profits of any Settled Estates for an Estate for Life, or for a Term of Years determinable with his Life, or for any greater Estate, either in his own Right or in right of his Wife, unless the Settlement shall contain an express Declaration that it shall not be lawful for such Person to make such Demise; and also for any Person entitled to the Possession or to the Receipt of the Rents and Profits of any unsettled Estates as Tenant by the Courtesy, or in Dower, or in right of a Wife who is seised in Fee, without any Application to the Court, to demise the same or any Part thereof, except the principal Mansion House and the Demesnes thereof, and other Lands usually occupied therewith, from Time to Time, for any Term not exceeding Twenty-one Years to take Effect in possession; provided, that every such Demise be made by Deed, and the best Rent that can reasonably be obtained be thereby reserved, without any Fine or other Benefit in the Nature of a Fine, which Rent shall be incident to the immediate Reversion; and provided that such Demise be not made without Impeachment of Waste, and do contain a Covenant for Payment of the Rent, and such other usual and proper Covenants as the Lessor shall think fit, and also a Condition of Re-entry on Nonpayment for a Period not less than Twenty-eight Days of the Rent thereby reserved, and on Nonobservance of any of the Covenants or Conditions therein contained; and provided a Counterpart of every Deed of Lease be executed by the Lessee.

Tenants for Life, &c. may grant Leases for Twenty-one Years.

XXXIII. Every Demise authorized by the last preceding Section shall be valid against the Person granting the same, and all other Persons entitled to Estates subsequent to the Estate of such Person under or by virtue of the same Settlement, if the Estates be settled, and in the Case of unsettled Estates against all Persons claiming through or under the Wife or Husband (as the Case may be) of the Person granting the same.

Against whom such Leases shall be valid.

XXXIV. The Execution of any Lease by the Lessor or Lessors shall be deemed sufficient Evidence that a Counterpart of such Lease has been duly executed by the Lessee as required by this Act.

Evidence of Execution of Lease by Lessee.

XXXV. The Act of the Thirty-second Year of King *Henry* the Eighth, Chapter Twenty-eight, intituled *Lessees to enjoy the Farm against the Tenants in Tail*, and the Act of the Parliament of *Ireland* of the Tenth Year of King *Charles* the First, Session Three, Chapter Six, intituled *An Act that Lessees shall enjoy their Farms against Tenants in Tail or in right of their Wives, &c.*, are hereby repealed, except so far as relates to Leases made by Persons having an Estate in the Right of their Churches.

Repeal of 32 Hen. 8. c. 28. and 10 Car. 1. sess. 3. c. 6. (Ireland), except as to Ecclesiastical Leases.

XXXVI. All

Provision as to Infants, Lunatics, &c.

XXXVI. All Powers given by this Act, and all Applications to the Court under this Act, and Consents to such Applications, may be exercised, made, or given by Guardians on behalf of Infants, and by Committees on behalf of Lunatics, and by Assignees of Bankrupts or Insolvents: Provided nevertheless, that in the Cases of Infant or Lunatic Tenants in Tail no Application to the Court or Consent to any Application may be made or given by any Guardian or Committee without the special Direction of the Court.

A married Woman applying to the Court to be examined apart from her Husband.

XXXVII. Where a married Woman shall apply to the Court, or consent to an Application to the Court, under this Act, she shall first be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application, and it shall be ascertained that she freely desires to make or consent to such Application; and such Examination shall be made whether the Hereditaments which are the Subject of the Application shall be settled in trust for the separate Use of such married Woman independently of her Husband, or not; and no Clause or Provision in any Settlement restraining Anticipation shall prevent the Court from exercising, if it shall think fit, any of the Powers given by this Act, and no such Exercise shall occasion any Forfeiture, anything in the Settlement contained to the contrary notwithstanding.

No Clause, &c. in Settlement restraining Anticipation to prevent Court from exercising Powers of this Act.

Such Examination to be either by the Court or by a Solicitor.

XXXVIII. The Examination of such married Woman shall be made either by the Court or by some Solicitor duly appointed by the Court for that Purpose, who shall certify, under his Hand, that he has examined her apart from her Husband, and is satisfied that she is aware of the Nature and Effect of the intended Application, and that she freely desires to make or consent to the same.

As to Consent of Married Women under Age.

XXXIX. Subject to such Examination as aforesaid, married Women may make or consent to any Applications, whether they be of full Age or Infants.

No Equity to compel any one to apply to the Court.

XL. Nothing in this Act shall be construed to create any Obligation at Law or in Equity on any Person to make or consent to any Application to the Court, or to exercise any Power.

Tenants for Life, &c. may exercise Powers notwithstanding Incumbrances.

XLI. For the Purposes of this Act, a Person shall be deemed to be entitled to the Possession or to the Receipt of the Rents and Profits of Estates, although his Estate may be charged or incumbered either by himself or by the Settlor, or otherwise howsoever, to any Extent; but the Estates or Interests of the Parties entitled to any such Charge or Incumbrance shall not be affected by the Acts of the Person entitled to the Possession or to the Receipt of the Rents and Profits as aforesaid unless they shall concur therein.

XLII. Pro-

XLII. Provided always, That nothing in this Act shall authorize any Sale or Lease beyond the Term of Twenty-one Years of any Settled Estates in which, under the Act of the Thirty-fourth and Thirty-fifth Years of King *Henry* the Eighth, Chapter Twenty, "to "embar feigned Recovery of Lands wherein the King is in Reversion," or under any other Act of Parliament, the Tenants in Tail are restrained from barring or defeating their Estates Tail, or where the Reversion is vested in the Crown.

Exception as to Entails created by Acts of Parliament.

XLIII. Nothing in this Act shall authorize the granting of a Lease of any Copyhold or Customary Hereditaments not warranted by the Custom of the Manor without the Consent of the Lord, nor otherwise prejudice or affect the Rights of any Lord of a Manor.

Saving Rights of Lords of Manors.

XLIV. The Provisions of this Act shall extend to all Settlements, whether made before or after it shall come in force, except those as to Demises to be made without Application to the Court, which shall extend only to Settlements made after this Act shall come in force.

To what Settlements this Act to extend.

XLV. This Act shall not extend to *Scotland.*

Extent of Act.

XLVI. This Act shall come in force on the First Day of *November* One thousand eight hundred and fifty-six.

Commencement of Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.